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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

LESLIE J. WHITELEY and LEONARD WHITELEY,
Plaintiffs,
vs. No. 303184
RAYBESTOS-MANHATTAN, INC., et al.,
Defendants.

DEPOSITION OF PATSY R. WHITTEKER, a witness herein, taken by Defendant R.J. Reynolds Tobacco Company, at DELETED, California, at 1:55 p.m., on Friday, November 19, 1999, before KAREN E. KAY, CSR 3862, RMR, CRR.

Hutchings Number 99-12820-QV-J

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ALSO PRESENT:
REBECCA L. ENLOW
RICHARD THOMAS, Videotape Operator

I N D E X

WITNESS: PATSY R. WHITTEKER

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Questions the witness refuses to answer or that are marked at request of counsel are indicated in the transcript with a pound (#) sign and are located on the follwoing page and line: 35-4

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THE VIDEO OPERATOR: We're on video record, ladies and gentlemen, at approximately 1:55 p.m. on November 19th, 1999. My name is Dick Thomas, an associate of American Legal Video Network. Our address is 11507 Moorpark Street, Studio City, California.

This is a matter -- Our phone number is (800) 286-0286.

This is a matter pending before the San Francisco Superior Court in the case styled Leslie J. Whiteley, et al., versus Raybestos-Manhattan, Incorporated, et al. Case number is 303184.

This is the beginning of Tape Number 1, Volume I, of the deposition of Patsy R. Whitteker at 1050 Schooner Drive, Ventura, California, taken on behalf of defendant pursuant to notice.

Counsel, would you please identify yourselves for the record.

MS. BERMAN: Martha Berman appearing on behalf of plaintiffs.

MR. SCARVIE: Thomas Scarvie from the Howard Rice law firm in San Francisco appearing on behalf of Reynolds Tobacco Company.

MR. BOONE: Good afternoon, Mrs. Whitteker. My name is Mordecai Boone, and I represent Defendant Philip Morris Incorporated.

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MS. SAFECHUCK: Good afternoon, Mrs. Whitteker. My name is Barbara Safechuck, and I'm with the law firm of Haight, Brown & Bonesteel.

THE VIDEO OPERATOR: And would this person identify themselves, please.

MS. ENLOW: Oh. My name is Becky Enlow, and I'm Patsy's daughter.

THE VIDEO OPERATOR: Would the court reporter please identify herself and swear the witness.

THE REPORTER: Karen Kay.

PATSY R. WHITTEKER,
a witness herein, having been sworn, testifies as follows:

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-EXAMINATION-

BY MR. SCARVIE:
Q. Afternoon.
A. Good afternoon.
Q. I introduced myself before. My name is Tom Scarvie. I represent the Reynolds Tobacco Company, and I'm going to be asking you a series of questions today.
I'm not sure how long it'll take, but we'll try and do it as expeditiously as we can. Mr. Boone may have some questions, and counsel for the asbestos companies may also

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have some questions.
It's real important that you and I listen carefully to each other and that we don't talk over each other because she can't take down 2 voices at once. And I admit that I have a tendency to jump in a little quickly sometimes on people's answers, and I'm going to try not to do that, and I would ask that you do the same. Okay?
A. (Nods head in the affirmative.)
Q. And you have to say "yes" or "no" audibly.
A. Yes.
Q. Okay. She's fairly talented, and she can sometimes indicate what a nod of the head might be, but it's better if you say "yes" or "no" and answer out loud. Okay?
A. I understand.
Q. All right. And you understand that you've been put under oath and you're going to tell me the truth about the things that I ask you about today, true?
A. Yes, I am.
Q. If you don't understand something that I say or one of the questions that I ask, it's perfectly within your right to make me repeat the question, clarify some word, so that you understand what I'm asking.
Do you understand that?
A. Yes, I understand.
Q. And will you do that?

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A. Yes, I will.
Q. Okay. Normally my schedule in these depositions is to go about an hour or so and then take a short break to stretch or get a cup of coffee or something like that. But if you need to break more often than that for some reason, you just let me know, and we'll break, because we want to have you comfortable here today.
Do you understand?
A. Yes, I understand.
Q. And will you do that?
A. I certainly will.
Q. All right. I get the impression that you wouldn't be shy about doing that, so we'll go forward.
Have you ever had your deposition taken before?
A. No.
Q. All right. Are you under -- and forgive me. Some of the questions I have to ask might be a little personal, but are you under any sort of medication today that would prevent you from remembering things and giving me full answers?
A. No, nothing more than 73 years.
Q. Well, I understand. I understand that. And -- But I think one of your daughters -- sons or daughters told

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us that you at one time had a slight heart condition; is that true?

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A. I had a mild heart attack in July --
Q. Of this last year?
A. -- much to my surprise.
Q. Yes.
A. Yes.
Q. Of this last year?
A. Yes. I did that for my husband's birthday, I'm sure.
Q. Okay. Well, I won't ask any questions about that, although some do come to mind.
Are you taking any medication as a part of the treatment for that heart attack?
A. Yes, I am. I'm taking half of what the doctor prescribed.
Q. And what's the reason that you're taking half of what he prescribed?
A. Because I'm not going to take it forever.
Q. I see. So you --
A. My -- My doctor understands all this.
Q. It's your effort to get yourself off the medication quicker than your doctor might tell you?
A. Yes. I do not think I need it.
Q. What medication are you taking, if I may ask?
A. Tenormin.
Q. And what is that designed to do?

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A. It's designed to keep your blood pressure low, I assume.
Q. Does it have any sedating effect or does it affect your memory in any way?
A. No.
Q. Okay. And you're obviously hearing me well enough to hear my questions; is that true?
A. Yes.
Q. The reason I ask you that is because I have sometimes difficulty hearing out of one of my ears, and so I always ask the question.
But do you have any difficulty hearing what I'm saying to you?
A. So far I don't.
Q. Do you have any questions about the deposition before we go forward with it?
A. Not that I can think of.
Q. Let me ask you a couple other preliminary things. One is, did your daughter's lawyers send you a copy of the notice of the deposition of this case?
THE WITNESS: Would that be what I showed you?
MS. BERMAN: Yes.
THE WITNESS: Yes.
MR. SCARVIE: Okay.
THE WITNESS: In the mail.

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MR. SCARVIE:
Q. Yes, ma'am.
And attached to that, was there a list of documents and other things that we wanted you to look for in connection with your testimony?

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A. Yes.
Q. And did you look for things that were mentioned in that notice?
A. No, because I have -- as our kids have gotten mature, we have forced them to take all their stuff. Well, with 6 --
Q. Yeah. Well, I'm sure --
A. -- you got a lot of stuff.
Q. I'm sure a lot of stuff accumulates, so --
A. Yes.
Q. Let me just ask a couple of questions about the things that you may or may not have kept.
Do you keep any of your kids' school records now?
A. No, no.
Q. Do you keep any photographic albums that would show your children?
A. Oh, I'm sure (indicating).
Q. You have a lot of them?
A. Well, in piles, you know.
Q. Understand.

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Are the photographs something that you asked your children to take along with them when they left the house?
A. Many. Many of them.
Q. Okay. But you still have some left?
A. Oh, yes, from the olden days.
Q. Are they in albums, or are they arranged in some fashion that makes any sense?
A. I'm embarrassed to say "no."
Q. Well, I have the same problem.
I mean, if we were to request your lawyers to have you look for photographs of Leslie in her teenage years, is that something you could do?
A. Well, I suppose I could look through it, but it would be awfully timely -- time- --
Q. Time-consuming?
A. -- consuming. And I really don't have that much time.
Q. Yeah. I understand. And let me think about it. I may make that request, and I may not.
Do you have any pictures of Leslie -- and we'll get to this a little more in a little while here, but do you have any pictures of Leslie running in competition?
A. We have our old-fashioned camera, you know, the kind that has no -- It has -- It's a movie camera --
Q. Right.

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A. -- but it has no sound or anything. And somewhere we have a picture of her running in one particular race that she told us, "Don't come and watch me," and we sneaked up there and did it anyway.
Q. That's actually what she told us. So some --
A. It was for the recreation department.
MS. BERMAN: Okay. Just answer the question.
MR. SCARVIE: Okay.
THE WITNESS: Sorry.
MR. SCARVIE:
Q. Your husband actually told us about that movie.
Is that something that if I made a request for, you could look for and provide to your attorneys so that I could take a look at that?

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A. Probably, but it would be about that long (indicating).
Q. Yeah. All right. Well, I'll make a star there, and we'll decide if we want to do that or not.
Aside from the one movie of her doing a running race for the recreation department, do you have any other pictures or movies of her doing anything else athletic during her teenage years?
A. No.
Q. Do you know if you have any pictures or movies showing her smoking during her teenage years?

A. I don't think so.
Q. And I'm going to get to that a little more in a minute, but I want to just finish this one topic.
Do you have any records or certificates, awards, anything like that, that have to do with Leslie during her growing up and school years?
A. I think we gave them all to her.
Q. What kinds of things did you have that fit that category?
A. Probably the things that you get when you pass from like the third grade to the fourth grade, little --
Q. Little diplomas; is that right?
A. Yeah, those little things that show that you passed. But I doubt we have any.
MR. SCARVIE: I'm going to see if I can kill this fly.
(Interruption in proceedings.)
MR. SCARVIE: Go back on the record.
Q. Do you have any trophies or any certificates that relate to Leslie's running activities when she was growing up?
A. No.
Q. Do you know if you had anything like that that you gave to her when she moved out of the house?
A. No. I know that at one time she had a

little -- a little red ribbon that they gave her at the recreation department --
Q. Right.
A. -- but I don't know what happened to it.
Q. Okay. All right.
A. Hopefully I was able to throw it away.
Q. Well, I know how stuff accumulates.
What did you do, Mrs. Whitteker, to prepare for the deposition today?
A. Tried to remain calm.
Q. Okay. Well, I think you're going to find that's --
A. I did --
Q. Go ahead.
A. -- talk to her (indicating) --
Q. All right. Did you talk --
A. -- a few minutes.
Q. When did you talk to her, meaning --
A. Today, a few minutes.
Q. Do you remember what you talked about?
A. She told me approximately what would happen here.
Q. Did you talk about the substance of the lawsuit

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in any way?
A. I'm not sure I know what you mean about "the

substance."
Q. I apologize.
Did she tell you what claims Leslie was making in the lawsuit?
A. Well, as far as I know, she has lung cancer from --
Q. Yes.
A. -- smoking, and she's today having another MRI. Her dad's taking her.
MS. BERMAN: Okay. Just answer the question, okay? Listen to his question.
THE WITNESS: I'm sorry.
MR. SCARVIE: That's okay. And I appreciate that.
Q. What I want to ask you about now, though, is just the conversations that you had with counsel, and we'll get into those other things in a while.
A. Oh. Well, I think she was just telling me to relax and tell the truth and -- which is what I came here to do.
Q. Okay. And I appreciate that.
Did you look at or read any of the transcripts of the depositions that have been taken of any of your other family members?
A. Last night I read Becky's and Ken's, and I was hoping that they would jog my memory so that I could

remember. And it does help, I think, sometimes. It's been a long time ago.
Q. Sure. It definitely has.
Was there anything in either one of those -- Well, strike that. First let me ask, did you read your husband's deposition?
A. No.
Q. And did you read any other of the children's deposition other than -- depositions other than the 2 that you mentioned to me?
A. Well, I started to read Leslie's, but I -- I'm feeling a little too upset about her --
Q. Right.
A. -- illness to --
Q. So you didn't complete hers?
A. I didn't read that, no.
Q. Did you see anything in either of the 2 depositions that you did read that jogged your memory about anything?
A. No. I was aware that different people see the same thing in many different ways.
Q. That's true. So there wasn't anything in there that was surprising to you or different from what you recall? Is that a fair statement?
A. I was surprised to find out my son Ken smoked

on a -- just to get a break.
Q. Out on the oil rigs.
A. Because he never did that.
Q. Oh, that's interesting.
Anything else that --

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A. There you are (indicating).
Q. Let's try and get him.
Anything else that -- If you come in from behind, I'm told, it's too bad (indicating). Or I missed him again.
A. No. Come in from --
Q. Here. You guys try.
A. Come in from the top. They can't fly up.
Q. Okay. Was there any- -- I'm sorry.
Was there anything else that was surprising to you in either one of those two depositions?
A. No, I don't think so.
Q. All right. Now, I meant to say this at the beginning, and I truly mean this. I realize that there may be some things that I have to ask you today that are going to be upsetting, and I don't mean to do that intentionally. It's just that we're trying to get some information.
But if you do feel like you need a break for that purpose, you let me know that, too?
A. Okay.
Q. All right. Well, let's get into the substance

of it, then.
Can I ask your current address?
A. DELETED.

Q. DELETED?
A. But the mailing address is what I gave you.
Q. How long have you lived at that address?
A. 25 years.
Q. Before that address, where did you live?
A. We lived at 3117 Entrada Drive in Ventura.
Q. And how long did you live at that address?
A. 20 years exactly.
Q. That takes me back far enough.
A. Okay.
Q. Have you always lived in either the Ventura or Ojai area?
A. No.
Q. Where else have you lived?
A. When my husband and I were first married, we lived in Chicago on the south side by the university.
Q. And how long did you two live in Chicago?
A. I believe we lived there about 6 months.
Q. And then did you at that point come out to California?

A. No. I went home to my folks in California, and my husband transferred to Honolulu because I had enough of Chicago. And we lived in Honolulu itself 1 block away from the Ala Wai Canal for almost a year.
Q. And then after that did you get to California?
A. Yes, we did come back to California and lived in Foster Park.
Q. And Foster Park, as I understand it, is in the Ventura area; is that right?
A. It is between Ventura and Ojai, and it is now under the freeway.
Q. Ah. No longer exists.
A. That's right.
Q. That's why I didn't know the name. Great.

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Have you ever worked outside the home?
A. When would I have time?
Q. Well, I always ask that question, and --
A. Excuse me. I'm --
Q. You know, I know that 6 children is more than a full-time job, believe me.
But have you ever had any other kind of work outside the home?
A. When we lived in Honolulu, I worked on the base for a brief time.
Q. Was your husband in the service then?

A. Yes, he was.
Q. What did you do on the base in Honolulu?
A. Worked at the PX.
Q. And was that a sales job of some sort or --
A. Uh-huh. Excuse me. Yes. It was in the music records department.
Q. Have you ever had any job outside the home in the Ventura or Ojai area?
A. No.
Q. And have you ever worked at all, ever, in the healthcare field?
A. No.
Q. Now, your husband, when the two of you got together, what kind of work did he do then?
A. He was in the navy.
Q. Oh, I see. Okay.
A. The war was just over.
Q. Right.
And he was still in the navy when you folks moved to Honolulu; is that right?
A. Yes.
Q. Do you know what his specialty was in the navy?
A. Yes. He was a gunner's mate first class.
Q. And then did he remain a gunner- -- Well, strike that.

I assume he was a gunner's mate first class when you-all went to Honolulu as well; is that right?
A. Yes. He worked in the gun shop at Pearl Harbor.
Q. What did he do in the gun shop there?
A. Took care of guns, I guess. Wasn't my business.
Q. No, and I don't expect you to know the full details of that. But as far as you know, the work he did was --
A. Had to do with guns.
Q. Maintaining guns; is that --
A. Yeah.
Q. All right. Then when you came to Foster Park, was he still in the navy at that point?
A. When we left Honolulu, he was dis- -- What do they call that? Discharged.
Q. Discharged?
A. He was discharged a little early, and we lived behind my father's store in the living quarters behind there where -- We lived there while our son was born.
Q. Okay. This was Michael.
A. Michael. He was born in 1947, and we were

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married in 1945 --
Q. Okay. Great.

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A. -- November 23rd, Tuesday.
Q. Well, it's almost your anniversary.
A. That's why we're leaving.
Q. Which year -- How many years?
A. 54.
Q. Wow. My mom and dad just celebrated their 54th, too.
A. Anybody can quit.
Q. It's quite an accomplishment.
So when you got back, you lived in your father's store in Foster City?
A. Foster Park.
Q. I'm sorry. Foster Park?
A. It was a store, a service station and a few houses.
Q. How long did your father have that store in Foster Park?
A. All during the war.
Q. And then do you know --
A. He -- He bought that just before the war, about 3 months before the war. So he had the --
Q. Go ahead.
A. -- pleasure of food stamps and all that stuff.
Q. Right.
And how long did he have that store?

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A. They sold it after our son Michael was born.
I'm trying to think. It had to be in 1947, at the end of 19- -- somewhere around the end of 1947.
Q. Do you know if your father sold cigarettes in that store?
A. Of course. It was a grocery store.
Q. All right.
A. They sold meat and --
Q. All types of --
A. -- fruit and vegetables and the whole thing.
Q. What did your father do then when they sold the store in '47?
A. Let me think.
He had a little place that has since become freeway on Ventura Avenue in the oil fields. They had several acres of apricot orchard, and he did nothing for a little while.
And then he -- he and mother leased the Matilija Resort from the county, and they had that business for a while. I couldn't tell you how long.
Q. And then what after that?
A. After that -- After that they moved to the Ventura Avenue in the oil field area where they bought a service station and adjoining house.
Q. Okay. And what years are we talking now?
A. Let me think. You know what, I -- I don't

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know, but the kids were little.
Q. That's fair. Do you know if --
A. Ken was -- Ken was a baby, and Ken was born in 1957. So they had it for years, for years.
Q. And it was a filling station. Do you know if

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they sold cigarettes there?
A. No, I don't know that.
Q. Got a little bit off track, and I apologize for that.
When your husband came -- and you came back from Honolulu, what kind of work did he do then?
A. He saw an ad in the newspaper for a plumber's helper and applied and got the job.
Q. And he's told us a lot about that, and I don't have any need to go through that again --
A. Okay.
Q. -- but is it fair to say that he worked as a plumber's helper for -- Well, how many years --
A. He worked for a -- as a plumber's helper for probably 6 months, and then he joined the union and -- and an apprenticeship. Took on an apprenticeship as a plumber and pipefitter.
Q. All right. And --
A. Do you need the address of the union?
Q. No, I don't, because he gave it to us already.

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A. Good.
Q. He worked as a plumber and a pipefitter for --
A. Well, the pipefitter came a little bit later.
Q. All right. And he worked in those jobs, then, for the rest of his life, basically?
A. Yes.
Q. Most of the time, as I understand it, he worked as a foreman rather than an actual laborer; is that true?
A. When he worked at -- Well, a -- an apprentice plumber is never a laborer. The laborer is the man who digs the hole.
Q. Oh, I see. Okay. All right.
A. There's a big difference in money.
Q. I'm sure that's true. So he was never the actual guy that had to get down and dig the holes and do that work.
A. No. He did have to crawl under houses to install heaters.
Q. Most of the work he did was -- or at least a lot of the work he did was in the residential plumbing area?
A. At that time, it was, when he was an apprentice.
Q. Okay. Do you know, ma'am, if your husband was ever exposed to asbestos during the periods of time when he worked?

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A. No. I wouldn't know that, but I have heard him say since that they worked all around it. It was part of the trade.
Q. But other than what your husband has told you -- and we've asked him already in his deposition -- do you know anything more than that about whether or not he ever worked around asbestos?
A. No, but I have since learned that asbestos is in everything, practically.
Q. What do you mean by that?
A. Well, I understand it's in wallboard and -- It was in floor tiles. I knew that for a fact.
Q. Right. Well, did your husband ever work in the floor tile area?

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MS. BERMAN: Well --
MR. SCARVIE:
Q. Installing floor tiles? It's vague.
A. Oh, no.
Q. Did he ever work --
A. No, that was not part of his work.
Q. And did he ever work installing wallboard, as far as you know?
A. No.
Q. Where did you learn that asbestos was in wallboard and in floor tiles?

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A. Oh, recently when -- when you -- when it became really a big thing about how old schools have a lot of asbestos in them.
Q. This is something you learned in news reports or something of that nature?
A. Yeah. In the last few years, it's been talked about.
Q. I'll come back to asbestos in a minute here, but let me ask you a few other questions of sort of a background nature.
We know who your kids are, and I'm not going to ask you to give me a list or repeat that.
Do you have a son named David?
A. Yes. He's our youngest son.
Q. Where is David located?
A. David is offshore even as we speak, probably sleeping.
Q. Offshore from what shore?
A. Offshore from Long Beach.
Q. Does he work in the oil industry?
A. Yes. He works on a rig. I don't remember what his new title is.
Q. But in any event, he works out of Long Beach and does a shift on the offshore oil rig; is that right?
A. Uh-huh, yes.

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Q. Do you know what are his --
She's going to get mad at you.
What are his -- Strike that.
The shift that he works is what? Is it like 30 days on and 30 off, or 15 on and 15 off, or do you know?
A. He works 1 week on and 1 week off. And he's been working nights.
Q. And does he live in Long Beach?
A. No.
Q. Where does he live?
A. He lives DELETED.

Q. Do you know what his address is, just off the top of your head?
A. He lives on DELETED.

Q. David Whitteker, though, is his last name?
A. Yes.
Q. All right. Is he in the book if we looked in the book, do you think?
MS. BERMAN: Well, I mean, it calls for speculation.
THE WITNESS: I don't know.
MR. SCARVIE: All right.

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THE WITNESS: I haven't looked him up.
MR. SCARVIE:

Q. How old is David?
A. Ooh.
Becky, how old is David?
MS. BERMAN: Okay. You know what --
MR. SCARVIE: Nope. Can't do that.
MS. BERMAN: This is --
THE WITNESS: Excuse me.
MS. BERMAN: -- just your deposition.
MR. SCARVIE: Can't do that.
THE WITNESS: Okay.
MS. BERMAN: So it's what you know --
THE WITNESS: Sorry.
MS. BERMAN: -- and not what anyone else says.
MR. SCARVIE: Can't do that.
THE WITNESS: Well, wait a minute. I will tell you when he was born, and then you can tell me how old he is.
MR. SCARVIE:
Q. Tell me when he was born.
A. He was born in 1963 in May.
Q. He's the youngest child?
A. Yes.
Q. Now, I'd like to shift to some of your other family members, and I'm actually thinking about how to do this most efficiently.
Does your husband have brothers and sisters?

A. He does not have any sisters. He has 2 living brothers.
Q. And does he have any brothers that are deceased?
A. Yes. He has 2 brothers that are deceased, both older than him.
Q. Do you know the cause of death of the 2 deceased brothers?
A. He told me the oldest one had lung cancer.
Q. Your husband told you that?
A. Yes.
Q. Okay. Do you know if the oldest brother was a smoker?
A. Yes, heavy smoker.
Q. What about the other brother. Do you know what the cause of his death was?
A. His wife, my sister-in-law, said that he had leukemia.
Q. Was he a smoker, as far as you know?
A. Yes, a heavy smoker.
Q. The brother that died from lung cancer, what was his name?
A. Roy.
Q. Roy. Last name Whitteker?
A. Yes.

Q. When did he die?
A. I couldn't tell you. It was a long time ago.
Q. Can you relate it to any event in your life or when one of your children was born or -- I'm just looking for maybe even a 10-year period.

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A. No, I couldn't tell you because I didn't know him that well, so I wouldn't remember.
Q. And what about -- The brother that died from leukemia, what was his name?
A. Doyle, D-o-y-l-e.
Q. Doyle Whitteker.
A. Yes.
Q. Do you have a recollection as to when Doyle Whitteker died?
A. It's got to be at least 5 or 6 years ago. I may be wrong.
Q. That's close enough.
Now, what about the 2 living brothers on your husband's side. What are their names?
A. Lloyd --
Q. Whitteker?
A. -- and Boyd.
Q. Lloyd and Boyd?
A. Yes.
Q. Okay. How old is Lloyd?

A. I have no idea. They're just younger than -- They're the 2 youngest ones.
Q. They're younger than your husband?
A. Oh, yes. They're quite a bit younger.
Q. Do you know if either one of them has any serious medical condition?
A. I do not know anything about them, really.
Q. I infer from your answer that you may not keep in touch with those people; is that right?
A. No, we don't. They don't keep in touch with us either, so --
Q. Yeah. Understand.
Do you know where Lloyd lives?
A. Somewhere in Washington state.
Q. When was the last time you had any contact with him?
A. When he called our house to say that his daughter Ina had died of a heart attack.
Q. Oh. That's too bad. When was that?
A. In September of this year. My husband was in our daughter Leslie's house -- Chris. Excuse me.
Q. Yes.
A. I'm doing the mother thing.
Q. Yeah. Chris is the one that lives in Oregon.
A. Yes.

Q. All right. And what about Doyle Whitteker. Where does Doyle live, as far as you know?
A. You mean where does Doyle's widow's live.
MS. BERMAN: Doyle is dead.
THE WITNESS: Yes, because he's dead.
MR. SCARVIE: I'm sorry. I'm getting --
THE WITNESS: Doyle is very dead.
MR. SCARVIE: -- getting very confused here.
Q. Doyle is the one who died from leukemia --
A. Yes.
Q. -- 5 or 6 years ago. I apologize.
A. Oh, you're looking for Boyd. Excuse me.
Q. Boyd.
MS. BERMAN: No. He had asked you the right

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question. You answered properly.
THE WITNESS: Oh. Okay.
MR. SCARVIE:
Q. Wait a minute here.
A. Got myself messed up.
Q. I don't want to confuse you. I'm just a little confused myself.
Lloyd is the one that lives in Washington state --
A. Yes.
Q. -- and had the daughter Ina, right?
A. Yes.

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Q. Boyd is the -- Maybe I haven't asked you where Boyd lives.
A. I really don't know, but somewhere in the Northwest, I assume. I don't really know.
Q. When was the last time you had any contact with him?
A. When we lived on Entrada Drive.
No, that wasn't him. I don't -- Well, now, wait a minute. Maybe it was.
He came to visit us, and our children were little.
Q. Right.
A. He went for a pack of cigarettes and never came back. I didn't mean that to sound that way.
Q. Oh, I hope he's still --
MS. BERMAN: That's usually what happens --
MR. SCARVIE: -- he's not in a ditch someplace or something.
MS. BERMAN: -- to people who smoke.
MR. SCARVIE: All right. Oh, well.
THE WITNESS: Pretty bad cigarettes.
MR. SCARVIE: Yeah. That was a --
MS. BERMAN: Aren't they all?
THE WITNESS: Whoops. I better not touch that.
MS. BERMAN: Yeah.
MR. SCARVIE: Yeah. I'm going to move to strike all

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the gratuitous comments, of course, but --
THE WITNESS: Thank you.
MR. SCARVIE:
Q. # Is there a particular reason why your husband doesn't see his 2 living brothers?
MS. BERMAN: Objection. It's irrelevant, not reasonably calculated to the lead to the discovery of admissible evidence.
MR. SCARVIE:
Q. You can answer it anyway. And I'm not going to pry much further than this, but --
A. I think she pretty much said it.
Q. What was that?
MS. BERMAN: It's --
MR. SCARVIE:
Q. It's not relevant?
A. It is not relevant.
Q. So you don't want to -- You won't answer that question?
MS. BERMAN: You --
THE WITNESS: No. I'm just --
MS. BERMAN: You don't --
THE WITNESS: I'm just a sister-in-law. I don't want

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to say anything.
MR. SCARVIE: I see. Okay. Well, I mean, I can't

force it out of you, so let's go on.
Q. Do you know what the cause of death of your husband's mother and father -- Well, I'm presuming something.
Are your husband's mother and father, either one of them, still alive?
A. No. They're very dead.
Q. Do you know what the cause of death of either of those people was?
A. His father died, as nearly as I know, with cancer of the spine.
Q. And when was that, approximately?
A. Let's see. Our daughter Christine was a tiny baby. That would have been in 1952.
Q. And what about his mother. When did she die? Do you know?
A. As nearly as I can remember, it was about 10 years later.
Q. And what was the cause of her death, if you know?
A. She had a mouth cancer.
Q. Was she a smoker?
A. No.
Q. And was your husband's father a smoker, as far as you know?

A. He smoked a pipe. When he smoked, he smoked a pipe.
Q. Understand.
Now, if we can, let's shift to your side of the family. Do you have brothers and sisters?
A. I have one brother.
Q. And what is your brother's name?
A. Raymond.
Q. Raymond what?
A. Lewis, L-e-w-i-s.
Q. Is that his last name?
A. Roberson.
Q. I'm sorry?
A. R-o-b-e-r-s-o-n.
Q. And how old is Mr. Roberson?
A. Oh, dear. I think he was born in 1936.
Q. So if we're doing the math right, that's --
MS. BERMAN: '63.
MR. SCARVIE:
Q. '64? '63 or '4?
A. No. Maybe he was -- Well, now, let's see. My sister Linda was born in 1939 -- or '40. She was born in 1940. Excuse me.
Q. Okay.
A. He was probably born in 1937 or '38. I guess

that's -- This is a guess.
Q. That's fine. That's fine.
So they are younger than you?
A. Oh, yes. I'm the oldest one.
Q. All right. Is Raymond still alive?

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A. Yes.
Q. And what's the state of his health, if you know?
A. Pretty good, I think.
Q. Does he have any kind of serious illness that you know of?
A. No.
Q. Is he or has he ever been a smoker?
A. Yes. I know he did smoke. I don't know if he still does or not.
Q. Where does he live?
A. I believe he lives in Medford, Oregon. I haven't heard from him for quite awhile.
Q. And what about -- And you mentioned your sister Linda? Is that --
A. Yes, I have a sister Linda.
Q. Okay. What --
A. But I don't think I mentioned it.
Q. You just -- You were referring to -- trying to --

A. Oh, yes.
Q. -- figure out how old Raymond was.
A. Yeah. Okay.
Q. I wrote it down. I didn't make it up. So --
A. Thank you.
Q. Sister Linda, what's her last name?
A. Her last name now is -- I hate that expression, "senior moment."
Q. Yeah. Well, I have them, too, so don't worry about it.
A. Oliver. Linda Oliver.
Q. Your senior moments resolve quicker than mine, so I want you to know that.
How old is Linda?
A. I think she was born in 1940.
Q. I'm sorry. You told me that already.
Where does Linda live?
A. In East Ventura on Cheshire.
Q. And is she or has she ever been a smoker?
A. Yes. She was, but she quit.
Q. When did she quit?
A. About 2 years ago.
Q. Was there a specific reason why she quit?
A. She thought it was not good for her health. She -- Her cholesterol was high, and she -- When you get older, you decide to do things.

Q. I understand.
I assume somebody -- some doctor had told her that smoking wasn't good for cholesterol?
A. No.
Q. It was just something that she figured out on her own; is that right?
A. Yeah. We're pretty independent.
Q. I know that. I'm getting that impression. I've met most of your family now.
Do you know if she had difficulty quitting?
A. No, I don't think so.
Q. Other than the high cholesterol, does she have any other serious medical condition that you are aware of?

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A. Not anymore.
Q. The cholesterol has come down?
A. Oh, yes.
Q. Now, other than the people that we've talked about in your family, are you aware of any other family members that have either gotten or died from any form of cancer?
A. Well, let me think about it.
On my family.
Q. Your family or your husband's, if you could.
A. Oh, my husband's family is, like I told you,

his mother and his father --
Q. Yes.
A. -- and his brother.
Q. Right.
A. No, I think that's it, as nearly as I can remember. If anything comes back, I'll tell you.
Q. I appreciate that.
Okay. Let's switch topics here.
We've been going about -- almost an hour. Do you want to take a little break, or are you okay to --
A. It probably wouldn't hurt. I wonder if my legs will stand up.
MR. SCARVIE: Why don't we take a 5-minute or so break, and we'll walk around.
THE WITNESS: Thank you.
Oh, oh. Thank you, dear. I had forgotten all about that.
THE VIDEO OPERATOR: We're off the record at 2:38 p.m.
(A recess is taken.)
THE VIDEO OPERATOR: We're back on the record at 2:51 p.m.
MR. SCARVIE: Okay. We're back on the record.
Q. You told us before the break about the discussions that you had with counsel today.

Have you ever discussed this lawsuit with your daughter's counsel at any other time?
A. I met with Mr. Brown -- What was it, a week ago? I don't remember just when.
Q. Yeah.
A. But my husband, they wanted to talk to him.
Q. To talk to your husband?
A. Not Mr. Brown. The asbestos man. I think that was it. Don't quote me.
Q. Well, do you know if it was a lawyer from your daughter's law firm or some other lawyer from somewhere else?
A. No, I don't know that.
Q. But his name was Mr. Brown, in any event?
A. Oh, Mr. Brown, yes. I can remember that name.
Q. Was that the lawyer that came to see you about a week ago?
A. No. We went to see him.
Q. Where did you see him?
A. At Carrows in Ventura.
Q. And did he tell you who he was at that time?
A. Yes.
Q. What did he say?

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A. He said he was a lawyer.
Q. For? Did he identify --

A. Oh, for Leslie.
Q. Oh, I see. Okay.
Have you ever seen a lawyer that told you that he or she was from the asbestos companies?
A. No. That's what I said. I did not know if he was a lawyer. I don't know that.
Q. Well, have you visited with anyone that wasn't a lawyer from the asbestos companies, as far as you know?
A. As far as I know, I don't know. Oh, that's dumb.
Q. No, that's okay.
A. Sorry.
Q. What was the substance of the conversation that you had with Mr. Brown a week ago?
A. He told me the same thing that she did, just to tell the truth and remember as accurately as I could.
Q. And did he ask you -- Was your husband there at the same time?
A. We were together --
Q. Yeah.
A. -- but we were separate.
Q. Did you overhear the conversation that Mr. Brown had with your husband?
A. No.
Q. So he interviewed you separately; is that

right?
A. Yes. I spoke to Mr. Brown by myself.
Q. And other than just telling you what you might expect in this deposition, do you remember anything else about the conversation that you may or may not have had with Mr. Brown -- or that you had with Mr. Brown? I'm sorry.
A. No.
Q. Have you ever talked to anyone else that you know was from your daughter's law firm at any time?
A. Does that count Bo calling?
Q. Bo -- Who's Bo? Is Bo somebody from the law firm?
A. From Leslie's, I think.
Q. Okay. What --
A. I don't know Bo's name.
Q. What did Bo call about?
A. Telling us to meet with Mr. Brown.
Q. Okay. Other than that, do you have any recollection of talking with anybody else from the plaintiffs' law firm?
A. No.
Q. Have you discussed the lawsuit with Leslie?
A. No. I listen when Leslie talks to me.
Q. But you don't talk back? Is that --
A. This is not my job.

Q. What has Leslie told you about the lawsuit that you can recall?
A. She's very angry because she has lung cancer from smoking.
Q. Can you remember anything else she said about

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the lawsuit?
A. No, I couldn't.
Q. Other than Leslie, have you talked to anyone else about the lawsuit?
A. No.
Q. Did you ever discuss it with your husband?
A. I don't think I could say "yes." I don't think I could say "yes." We'd have to say "no."
Q. How about any of the rest of your kids. Have you discussed it?
A. No.
Q. What do you, yourself, think about the lawsuit? Do you think it's the right thing to do or do you have some -- I mean, what do you think about it?
MS. BERMAN: Objection. Irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
MR. SCARVIE:
Q. You can still answer, Ms. Whitteker.
A. I think I would be very angry if I had lung

cancer from smoking.
Q. Right.
But what about suing the company for that particular choice?
MS. BERMAN: Objection. Irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
MR. SCARVIE:
Q. You can still answer. She's making a record for later.
A. I believe that if I had a gazillion dollars worth of medical bills, that I would expect them to do their part and pay.
Q. For the medical treatment?
A. Yes.
Q. Let's talk about Leslie's growing-up period if we can.
Well, first, let me ask you just a couple other questions about something I forgot earlier.
Is there any -- I know that your family -- I mean, we've talked to a lot of your family members now, and I know a lot about the relationship between the eight of you.
Is there anybody outside your family that you would say was fairly close to the family that would know perhaps information about Leslie's smoking or other information

concerning the family? Do you understand what I'm getting at? Like a best friend or a neighbor that you talk to about everything or something like that?
A. No, I wouldn't know anyone like that.
Q. Let's talk about Leslie and her growing-up period, if we can, now.
She was born in what year?
A. 1959.
Q. And did you folks live in the Ventura house at that point?
A. Yes.
Q. Do you know how old -- Excuse me. Do you know how old Leslie was when you moved to the Ojai house?
A. We moved to the Ojai house in June of 1974,

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so -- You have pretty good math.
Q. I'll do the best I can here.
So she would have been 15, is that right, when you moved?
A. Not yet, no. Her birthday is in September.
Q. So she would have been 14 when you moved up to the Ojai. All right.
What school did she attend in Ventura?
A. Cabrillo, I believe it was, the junior high school.
Q. And do you remember what grade school she

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attended there?
A. Yes. Blanche Reynolds. It was right there.
Q. Blanche Reynolds?
A. R-e-y-n-o-l-d-s.
Q. And then when -- Let's see. Just to get the time frame right, do you recall when she graduated from high school?
A. I don't for sure know which year it was, but she was -- She was 16, I believe.
Q. And we've learned that she compressed the 3 years of high school into 2; is that your recollection?
A. Yes. She went to summer school.
Q. Right. So she graduated -- If I'm getting this all right, she graduated in June of '76?
A. That sounds right.
Q. Do you remember -- Well, first, do you know when Leslie started smoking cigarettes?
A. No, I don't.
Q. What's the first recollection that you have of Leslie smoking cigarettes?
A. When she was about 16.
Q. And what do you recall about that?
A. I don't really recall anything.
Q. Well, I mean, was it just that she started smoking around you at that point, or was there some event

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that you relate that to or --
A. No.
Q. Why do you think it was when she was 16 that you first were aware that she was smoking?
A. I suppose she graduated from high school and felt like she was old enough.
Q. What was your reaction to seeing her smoke for the first time?
A. Well, I know I wouldn't have been pleased.
Q. Right. Why not?
A. I think smoking is dirty and expensive and time-wasting.
Q. Any other reason?
A. I don't see any purpose in it.
Q. What about the fact that folks say that it's bad for your health; is that another reason?
MS. BERMAN: Well, I'm going to object that it's vague as to time. Are you asking her when she saw her doing that when she was 16?
MR. SCARVIE: Exactly right.
THE WITNESS: No. I think at that time it was not generally known that smoking would kill you.
MR. SCARVIE: Okay.

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Q. But you knew at that time that some said that smoking would cause certain health problems, didn't you?

MS. BERMAN: Objection. Assumes facts not in evidence.

THE WITNESS: Pardon? Are you asking?

MR. SCARVIE:

Q. I'm sorry. I should have -- Yes.

A. Yeah, you should have told me.

Q. Oh, I apologize. You were waiting for my next question, and I was waiting for your answer.

A. Oh.

MR. SCARVIE: Would you read the question, please. She'll read it back to you.

THE WITNESS: Okay.

(The question is read by the reporter.)

THE WITNESS: No, I did not know that for a fact.

MR. SCARVIE:

Q. Well, but you'd heard that, hadn't you, at that point?

A. I've heard some people think the earth is flat, too, but that doesn't mean anything.

Q. Well, you had heard, though, ma'am, hadn't you, in the news and on TV and -- or from whatever source that people were saying that cigarette smoking was bad for your health when Leslie --

A. No. At that time I did not.

Q. You did not know that?

A. At that time I did not know that.

Q. Okay. Well, you're emphasizing "know that." You'd heard it, though, hadn't you?

A. I apparently didn't pay any attention or think it important.

Q. But had you heard it?

A. I couldn't say.

Q. You were a smoker at one time, ma'am?

A. Yes.

Q. When were you a smoker?

A. Well, let's see. Do you want to know when I started or when I quit or what?

Q. Well, I want to know all about your smoking career.

When did you start?

A. Oh, I smoked a few, I think, when I was 19 because everyone smoked.

Q. Sure.

A. No one knew it was dangerous.

Q. And then did you continue smoking for a period of time or --

A. Off and on again until when I became pregnant, the smoke made me sick.

Q. This was pregnant with Michael?

A. No -- Yes, that, too. But I'm talking --

We're -- Are we talking about the same thing --

Q. I don't know.

A. -- like when did I quit?

Q. Well, we'll get to that in a second.

A. Okay.

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Q. Would that date help you relate it back?
A. I never smoked when I was pregnant.
Q. Starting with your first child, Michael.
A. Absolutely.
Q. All right.
A. I didn't smoke then, anyway. I don't think -- No, I must not have started when I was 19 because I didn't smoke when -- when I was pregnant with Michael.
Q. Maybe we can help each other this way: How old were you when you were pregnant with Michael?
A. 20-1/2, I think.
Q. And were you smoking at that time?
A. No.
Q. Why not?
A. I just didn't smoke.
Q. Okay. Had you smoked before you became pregnant with Michael?
A. No.
Q. Did you start smoking after you became pregnant with Michael?

MS. BERMAN: I think she's --
MR. SCARVIE:
Q. At some time. And I don't mean during the pregnancy. I don't mean to suggest that.
But sometime you told us that you did.
A. At some time or another I must have.
Q. Right. But do you have any further recollection as to when that was?
A. No, because when I started, I only smoked a few, so it wasn't any big deal.
Q. You told us, though, that you stopped when you were pregnant with one of your children --
A. Yes.
Q. -- because it made you --
A. Stopped permanently.
Q. -- made you sick; is that right?
A. Yes. It always made me sick if I smoked.
Q. And do you remember which child it was that you stopped -- when you stopped smoking? You were pregnant with which child?
A. Well, I thought it was with Ken, but it could have been later.
Q. Now, Ken is your third child?
A. He's just younger than Rebecca.
Q. So it goes -- it goes --

A. He was born in 1957.
Q. Let me just get the names down because it'll help us probably.
Michael and then Chris?
A. Christine.
Q. And then Becky?
A. Yes, Rebecca.
Q. Sorry. And then Ken?
A. Kenneth.
Q. And then -- Help me.
A. After Kenneth is Leslie.
Q. Leslie. And then David.
A. Yes. If you've got 6 --
Q. I got 6.

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A. Okay. That's right.
Q. I got 6.
Okay. So your best recollection is that you stopped smoking when you were pregnant with Ken.
A. No. I stopped smoking -- Each pregnancy I did not smoke.
Q. And the reason for that was that it made you sick.
A. Yeah, it made me sick.
Q. Did the reason have anything to do with the pregnancy itself?

A. No. I never heard anything about it being bad for you or anything. At that time there was little information.
Q. But it did make you sick when you smoked when you were pregnant?
A. Yes. The smell of the smoke made me sick.
Q. All right.
A. Nauseous, let's say.
Q. I understand.
Now, if you had known that Leslie was smoking when she was 13, what would you have done about that?
A. I probably would have told her I didn't like it.
Q. But your recollection as you're sitting here today is that you didn't know she was smoking.
A. I did not know she was smoking.
Q. She was sneaking it, as far as you know, or do you know?
A. Well, however kids usually do those things. 13 is not their best year.
Q. Right. I know that from experience.
And I think you testified that the reason that -- Well, tell me. If you'd seen her smoking when she was 13 and you would have told her to quit, why would you have told her to quit then?

A. I would have told her that she was, Number 1, too young.
Number 2, that it was dirty.
Number 3, that it was expensive and a time-waster, and it would make her stink.
Q. Stunt her growth? Have you ever heard that?
A. No.
Q. Did you ever tell her that it would stunt her growth?
A. No way.
Q. Did you ever tell her it would cut her wind?
A. Yes.
Q. Did you ever tell her that it would have any other adverse health effect at that --
A. No. I didn't know of any adverse health effect. There was not much known about it.
MR. BOONE: I'll object and move to strike.
MR. SCARVIE:
Q. We're talking about the middle of 1976.
Were you aware of the Surgeon General taking an interest in cigarette smoking in the '60s and coming out with a report that it was bad for people's health?
A. No. You're talking '60s, right?

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Q. Well, you said that you first knew that Leslie was smoking in June of 1976 when she was 16.

A. Yes. That was '76.
Q. I understand.
A. But then you said '60s, right?
Q. No, no. I want to go back now to the '60s and see --
A. Okay.
Q. Were you aware or did you hear that in the '60s, the Surgeon --
First of all, do you know who the Surgeon General is?
A. Yes, I do.
Q. Who is the Surgeon General?
A. The Surgeon General, to my thinking, is -- the best one has been Mr. Koop.
Q. And did you know that in the '60s, the Surgeon General -- and I don't remember if it was Mr. Koop or not at that point --
A. No, he wasn't. He was --
Q. He was later?
A. He was with Reagan --
Q. Right.
A. -- whatever year that was.
Q. Whatever the Surgeon General's name in the '60s was, were you aware that he or she was coming out with reports about smoking being bad for people's health?
A. No, I never heard that.

Q. Were you aware of the controversy about warnings, putting warnings on cigarette packs in the 1960s?
A. No.
Q. Did you know that a warning, in fact, went on every cigarette pack sold in the country in 1966?
A. I'm sure it did. I've heard that since, so --
Q. But were you aware of it at that time?
A. No.
Q. Can you tell me during that time period, '60s and early '70s, what sources of information you folks had coming into your house in either Ventura or Ojai?
MS. BERMAN: Objection. It's vague and ambiguous.
MR. SCARVIE: It is vague.
Q. Did you take a newspaper, a daily newspaper?
A. In Ventura?
Q. In Ventura.
A. The Star Free Press.
Q. And did you take that on a daily basis?
A. Yes, we did.
Q. And did you read that on a daily basis?
A. No. I often did not have time.
Q. Do you know if your husband read it on a daily basis?
A. He often did not have time.
Q. And what about your kids. Do you know if any

of your kids read it on a daily basis?
A. I do not know that for a fact, but I think they were too busy with their activities.
Q. Did you continue to take the Star Free Press when you folks moved up to Ojai?

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A. Yes, for a few years.
Q. And then after that, did you take any other newspaper?
A. No.
Q. Your husband mentioned that you took an Ojai newspaper. And forgive me; I don't remember the name of it.
A. Oh. We did for a short while.
Q. And what was the name of that?
A. I think it's the Ojai Valley News, but I got too irritated with them.
Q. What irritated you about the Ojai Valley News?
MS. BERMAN: Objection. Irrelevant and not reasonably calculated to lead --
MR. SCARVIE: It probably isn't relevant.
Q. Was it just local stuff that you got irritated about?
A. Let's say provincial.
Q. Provincial. I see.
Well, ma'am, did there come a time when you stopped taking the Ventura Star Free Press?

A. Yes.
Q. When was that?
A. About 2 years ago.
Q. Oh, I see. Okay. But up until 2 years ago, you had taken that newspaper on a daily basis?
A. Yes.
Q. What about other sources of information coming into your house? And by that I mean -- Well, let me just -- That's a long-winded lawyer question.
Did you folks get any magazines on a regular basis coming into your house?
A. Yes. We've always had the National Geographic.
Q. And any others that you always had?
A. There was a time my husband took the Woodworking magazine.
Q. Anything else?
A. I don't think so.
Q. What about any kind of news magazines. Did you ever subscribe to a news magazine on a -- let's say a weekly basis, like Time or Newsweek or --
A. No. They send those too often.
Q. So am I right, then, that you never had that kind of thing coming into the house?
A. No, we were -- had too much to do.
Q. Did you ever have any other magazine other than

National Geographic and Woodworking magazine? Actually, one of your sons told us about Boy's Life.
A. Oh, yes. That was in Ventura.
Q. Any other magazines coming into the house on a regular basis?
A. Oh, we may have from time to time have had Good Housekeeping or --
Q. Yeah.
A. I wouldn't swear to it, but it sounds reasonable.
Q. Anything else that sounds reasonable to you that might have been around during the time that Leslie was growing up?
A. Yes, it could have been Ladies' Home Journal,

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but I doubt we had very much of anything because we really had all we could read.
Q. How about -- Did you ever take Reader's Digest?
A. No.
Q. When you say you had all you could read, what do you mean by that?
A. Well, the children were going to school. I went back to school when David was in kindergarten.
Q. What did you study when you went back?
A. Liberal arts.
Q. Where did you go?

A. Ventura College.
Q. How long did you go?
A. I think it was about 3 years.
Q. Did you get a liberal arts degree of some kind?
A. Yes, I did, an Associate of Arts degree.
Q. That's great. When was that? What year?
A. 1971.
Q. So -- Well, let me ask you, when you went to Ventura College and took the liberal arts course, do you remember getting any kind of course of study in anything relating to health?
A. Yes.
Q. What did you study?
A. I took a health class. It had very little in it.
Q. Do you remember, how long did it last?
A. Long enough to get a good grade. I thought it was nothing to it.
Q. Do you remember the name of the teacher?
A. Oh, no.
Q. Do you remember the book that you used?
A. No.
Q. Did you see any movies in connection with that class?
A. I don't think so.

Q. Do you remember ever seeing a movie that depicted a black human lung in it?
A. No. I have heard of that story, but that's hearsay. I've never seen anything like that.
Q. When you went back to Ventura College, did you ever see any posters on the walls that depicted a black human lung?
A. No.
Q. Or any posters talking about the health aspects of smoking?
A. No.
Q. Do you remember if your health class had as part of its topic anything relating to smoking and health?
A. No, I don't recall that. It could have been. I don't recall it.
Q. When was the first time you became aware, Mrs. Whitteker, that people were saying that cigarettes had health -- bad health effects?
A. The last few years when it has come out in the TV and newspapers that the cigarette companies were manipulating nicotine.
Q. Was that the first topic that you can recall hearing?

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A. Yes. I was interested in hearing that.
Q. And did you pay special attention to that?

A. Yes. I thought it was wrong.
Q. When was it that you heard that?
A. I would say within the last 2 or 3 years they were beginning to talk about it.
Q. And before that, is it your testimony, ma'am, that you never heard anything about anyone saying that cigarettes had bad health effects?
A. Not that I remember.
Q. And you never saw a warning on any cigarette advertising?
A. Oh, I'm sure I must have.
Q. Right.
When was the first time you can recall seeing a warning on cigarette advertising?
A. I have no idea.
Q. 10 years ago?
A. No. I couldn't say. I really -- I really couldn't say. I did not smoke, so why would I know?
Q. Right. Well, I mean, but there are members of your family that were smoking.
A. I didn't check out their cigarettes.
Q. What was your reaction -- Maybe we covered this. Let me look here.
When you were aware that Leslie was smoking when she was 16 or so, what was your reaction to that?

A. I did not approve.
Q. And did you let her know that?
A. I'm sure I did.
Q. Do you remember what you said to her --
A. No.
Q. -- about her smoking?
A. No, I do not.
Q. Did the subject come up, then, over the years from time to time where you'd see her somewhere?
A. No, it did not, because it was not my business.
Q. So other than when you saw her smoking at 16, you never said anything else to her about cigarettes after that?
A. Oh, I may have from time to time made a comment, as mothers do.
Q. Yeah. What would the comments have been?
A. No telling.
Q. Did you allow her to smoke inside your house?
A. I think she chose not to.
Q. What --
A. We're talking when she was in her 20s --
Q. Anytime.
A. -- and 30s.
Q. Yeah.
A. But she chose not to because it is not good

manners.
Q. But did she ever light a cigarette up in your house and you tell her, "Take it outside," or anything like that?
A. No.

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Q. You just feel that she chose not to because --
A. She was --
Q. -- she knew what your attitude was?
A. No. She chose not to because she was thoughtful of the fact that I didn't smoke.
Q. Did she ever discuss her smoking with you at any time?
A. No. That was not anything we would discuss.
Q. Did she ever discuss her view that she was addicted to cigarettes at any time with you?
A. No.
Q. Did she --
A. But I --
Q. -- ever discuss with -- I'm sorry. I didn't mean to step on you.
A. No. That's fine.
Q. Did she ever discuss with you any of her quit attempts of smoking?
A. I can't recall that.
Q. Do you know if she did try to quit smoking?

A. Yes, she did. And I -- I correct myself on that last thing. She -- She and Leonard went camping, and they had decided to stop smoking.
Q. What else, if anything, you knew about that?
A. It turned out poorly. They got into a big --
Q. A big --
A. Withdrawals are not pretty.
Q. Well, when you say that, ma'am, do you have any personal knowledge of people that have attempted to quit cigarettes and what they go through?
A. Yes, my younger sister Jean.
Q. When did she quit smoking?
A. She did not quit smoking.
Q. She made an attempt to quit?
A. Many times.
Q. And did you discuss with her why she was attempting to quit smoking?
A. No way.
Q. Why not?
A. You do not tell another adult what to do.
Q. Did she ever tell you why she was trying to quit smoking?
A. She was tired of it.
Q. Why?
A. Because when you're addicted, you have to have

a cigarette every so many minutes.
Q. Did Jean tell you that she felt she was addicted to cigarettes?
A. Oh, yes. They went to class.
Q. What year was this?
A. I couldn't tell you. This was a number of times.
Q. When did they go to the class?
A. Oh, I don't know what year, but they went to the Cancer Society's class on -- What do they call that? -- giving up smoking or whatever they call it.
Q. Do you know where she went to that class?
A. It was somewhere in Ventura; I don't know where.

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Q. And can you, thinking back, give me any idea about the year that that might have happened?
A. No, I really can't, because, like I said, I felt that was not any of my business. She was an adult.
Q. Do you know how old she was when she went to the Cancer Society class?
A. No, I couldn't tell you. I'm sure her children were older.
Q. Can you narrow it down to even a 10-year time frame for me? Would it have been the '70s?
A. 10 or 15 years ago, possibly. I could be wrong

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now.
Q. I understand. I can only --
A. You're asking me to guess, so I'm --
Q. I can only -- Yeah. There's a -- Let me just tell you that there's a difference between guessing and your best recollection, and I'm entitled to your best recollection, which I think you've given to me, so --
A. Yes. As far as I can tell, I think that is near that.
Q. Let me just ask you for a little short period of time about Leslie's marriages.
She was married, as I understand it, to a gentleman named Dean Moore?
A. Yes.
Q. And that was when she was 16, I think.
A. Yes.
Q. Is that right?
A. Yes.
Q. And as we understand it from others in your family, she essentially accelerated her high school career in order to get done quicker so that she could join Mr. Moore. Is that --
A. No. We told her she couldn't do anything until she graduated.
Q. Okay. Did she have in her mind, though, as far

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as you know, that she wanted to finish so she could go join Mr. Moore?
A. I don't know what was in her mind, really.
Q. She did, in any event, finish high school early and go back to Virginia to join Mr. Moore; is that right?
A. Yes.
Q. And do you know, did she need special permission from you folks to get married at that age?
A. You know, I don't remember because I don't know what the laws in Virginia were.
Q. Do you ever recall signing a paper of some kind that gave her permission?
A. No, I don't recall that.
Q. What was your view on whether or not this marriage ought to occur?
A. Well, I thought she was pretty young.
Q. Yeah.
A. But we did not intend to lose communication with our daughter. And I've told you before, you cannot make another human being do something.
Q. Right. So if I'm getting the picture, you weren't real happy about it, but you decided to go along.
A. Well, she was young. She was very young.

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Q. Yeah.
A. But they had known each other for quite awhile.

Q. What was your view of Mr. Moore? Did you like him?
A. He was a nice young man who joined the navy --
Q. Right.
A. -- from my couch.
Q. Oh, he did. All right.
And they spent a period of time then back in Virginia, right?
A. Yes.
Q. And then, as I understand it, came back to San Diego; is that right?
A. Yes. I think he was transferred back to San Diego.
Q. Right.
A. You'd have to ask --
Q. I know. Well, that's right.
A. -- somebody else.
Q. We did find that out.
And then for whatever reason, they divorced? Right?
A. Yes.
Q. Did you have an understanding as to what the problem was between the two of them?
A. I thought --
MS. BERMAN: Objection.
THE WITNESS: Oh. Excuse me.

MS. BERMAN: Irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
And it's a "yes" or "no" answer.
MR. SCARVIE:
Q. You can still answer.
A. Well, it was my opinion that she was too young, and he was too young.
Q. Yeah. Okay. What was her next marriage?
A. That was not for a while, but I couldn't tell you when it was.
Q. Do you know how long between when the divorce occurred and when she was married again?
A. It was a pretty good period of time. I really -- I had a lot going on then, and I really don't remember when.
Q. Who did she marry next?
A. Wesley Imhoff.
Q. Do you know Mr. Imhoff?
A. Not really.
Q. Do you know him by way of reputation at all?
A. Well, I am embarrassed to say I used to refer to him as the turd.
Q. The --
A. You may take it that I did not think him an appropriate mate.

Q. I get that picture.
What was it that you didn't like about him?
A. I didn't think he treated her well.
Q. Was he abusive to her or --
MS. BERMAN: Objection. Not reasonably calculated to

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lead to the discovery of admissible evidence, and it's irrelevant.

MR. SCARVIE:

Q. You can still answer.

A. I surmised that he was, but that was just my --

Q. Do you know if he was involved in drugs or anything like that?

A. No, I did not know that for a fact.

Q. And do you know -- Strike that.

How long did the marriage to Mr. Imhoff last? Do you know?

A. I couldn't really say, but I thought it was too long, as a mother.

Q. And that marriage ended in divorce, then; is that right?

A. Mercifully.

Q. Have you heard about Mr. Imhoff since your daughter divorced him?

A. Yes. I very recently heard about him because Starsky and Hutch have been looking up everybody, and his

sister called Leslie and said he was doing well, and he was getting his life together. I was glad to hear that.

Q. That's good.

Do you know where he is?

A. I have no idea.

Q. What's his sister's name?

A. I'm guessing now.

Q. Yep.

MS. BERMAN: Don't guess.

THE WITNESS: Oh.

MR. SCARVIE:

Q. Best estimate.

A. I think it's Gloria, but it could be anything.

Q. You think it's Gloria Imhoff?

A. No, I don't know who -- what it is.

Q. Do you know where she lives?

A. No.

Q. But in any event, she called Leslie to let Leslie know that --

A. To use her words, Starsky and Hutch had been to her house.

Q. Have you talked to Mr. Imhoff at all since your daughter divorced him?

A. Oh, heavens, no.

Q. And then her next marriage was to Leonard --

A. Yes.

Q. -- Whiteley, and that was how long ago?

A. I think it was about 11 years ago. I'm really sorry I don't know all these things.

Q. It's close enough.

Okay. Let me ask you a few questions about your daughter's personality as you know her.

How would you describe Leslie's personality?

A. I like to think that she was just one of our six that grew up with her own mind --

Q. Yeah.

A. -- an independent thinker. That was our -- our hope that they all would be.

And she's -- she's tough. She's lasted through 2

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years -- excuse me -- almost 2 years of a terrible cancer.
Q. Did you have a feeling when she was a teenager that she had a rebellious streak to her?
A. No.
Q. But she was an independent girl; is that true?
A. They all were.
Q. Tough-minded is what you told me, right?
A. Yes. All of them are.
Q. Did she seem to be the type that if she set her mind to do something, she could do it?
MS. BERMAN: Objection. It's overbroad. It calls

for speculation. It's an incomplete hypothetical.
MR. SCARVIE: It's not a hypothetical at all.
Q. Did you have that impression of her?
A. Well, she's lived for almost 2 years after this horrible cancer. That takes something.
Q. Of course.
At other times in her life, was it your perception that if she set her mind to do something, she could go ahead and do that?
MS. BERMAN: Same objection. It's vague, ambiguous, and it calls for speculation, and it verges on being an incomplete hypothetical.
MR. SCARVIE:
Q. You could still give me an answer.
A. I would hope that all of our children would, if they made up their mind to do something, be able to do it.
Q. Including Leslie?
A. Of course.
Q. Intelligent?
A. Yes. Look who her people are.
Q. Oh -- Strike that. I'll tell you something --
MS. BERMAN: Yeah, don't say anything, Tom.
MR. SCARVIE: I'll tell you something after the --
MS. BERMAN: Let's be polite.
MR. SCARVIE: No, no, no. I was going to be more

than polite, actually. But I'll tell you something after the deposition.
Q. Was it your perception -- Strike that.
She's told us that she likes riding or liked riding motorcycles with her husband; is that true?
A. Are we speaking about Leonard, right?
Q. Leonard and I think -- Well, I'm not sure. Let me just put "husbands."
A. No, I wouldn't say "husbands."
Q. Do you know what her views are on things like the helmet law?
A. She says it impedes your view.
Q. She's against the motorcycle helmet law?
MS. BERMAN: Objection. Misstates the testimony.
MR. SCARVIE:
Q. Is she against the motorcycle helmet law?
A. I don't know if she's against it or not.
Q. Does she wear a helmet when she rides a motorcycle?
A. Yes, always. And protective glasses.
Q. Do you know, Mrs. Whitteker, anything about the brands of cigarettes that Leslie has smoked over her life?
A. I'm familiar with the fact that she smoked

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Camels. And she said she smoked Marlboros in the early years, but I did not know she smoked them.

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Q. When did you have that discussion with her? Was it was in connection with this lawsuit or --

A. No, it was not. I recall seeing Camel cigarettes at her house.

Q. Okay. What were her habits with respect to smoking cigarettes? And that's a pretty general question. Let me try and nail it down a little bit.

Did she use a cigarette case, or did she just use the pack of cigarettes and tap cigarettes out for herself, or do you know?

A. I would assume she would use --

MS. BERMAN: Don't assume anything.

THE WITNESS: Oh.

MS. BERMAN: This is what you know.

THE WITNESS: Sorry, honey.

MR. SCARVIE:

Q. What did you observe when you saw her smoking about how she got her cigarettes out of the pack, if anything?

A. I don't think I paid any attention to that.

Q. Do you recall her ever saying, "Look, mom, there's a warning on the side of this pack"?

A. No. Nobody reads those.

Q. All right.

MR. BOONE: Objection. Move to strike.

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Nonresponsive.

MR. SCARVIE:

Q. Do you recall her ever talking with you about warnings that appeared in print advertisement?

A. No, I don't recall her talking to me about that.

Q. Do you recall her ever talking to you about the warnings that appear on billboards?

A. No.

Q. Did she ever talk to you about warnings on cigarette packages, advertisements or billboards at all?

A. No.

Q. Did you ever hear the term "coffin nail" applied to cigarettes? Did you ever hear that word?

A. I've heard my dad say that.

Q. When did you hear your dad talk about cigarettes as being coffin nails?

A. I have no idea. It was probably out in the oil fields.

Q. A long time ago?

A. Very long time ago.

Q. How old do you think you were when you first heard your dad --

A. I have no idea.

Q. But it was many years ago; is that fair?

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A. Yes.

Q. Did he ever say what he meant by the words "coffin nails" with respect to cigarettes?

A. No.

Q. What did you understand them to mean?

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A. I didn't. I had no perception of what he was talking about.
Q. What about the term "cancer sticks"? Did you ever hear your dad use that term when he referred to --
A. No.
Q. Did you ever hear that term at all? Have you?
A. I've probably heard it from someone.
Q. But do you have any recollection as to when you first heard that term?
A. No.
Q. Several members of your family have told us about a cartoon that they remember being on Walt Disney where Goofy is apparently smoking cigarettes, and in the background there's a song that's called "Smoke, Smoke, Smoke That Cigarette."
A. No. That --
Q. Do you remember that?
A. No. That was a famous country-western singer that used to sing that.
Q. Right. Do you remember --

A. I don't remember the cartoons at all.
Q. But you do remember the song?
A. That was from a country-western singer.
Q. Right. Do you remember who that was?
A. No.
Q. When was the first time you ever heard that song?
A. I couldn't tell you. Whenever it was popular. I don't know when that was.
Q. Let me tell you that it was popular in the '40s and '50s.
Does that square with your recollection as to when you heard that song?
A. No, it wouldn't be then because we lived in Ventura on Entrada, and we didn't live there in the '40s and '50s.
Q. But you can remember hearing that song --
A. On the car radio.
Q. Right.
-- when you lived in Ventura on Entrada?
A. Yes. And that would have to be after I was about 41 years old because that's when I learned to drive.
Q. Did the lyrics of that song ever make you think about the health aspects of cigarettes?
A. No, because I have known people that were

coughing and choking and lighting up. Everybody has seen them in the crowd.
Q. And you have known about that your whole life, right?
A. No.
Q. When was the first time that you ever were aware of the fact that some people coughed and choked when they lit up cigarettes?
A. I'm afraid I couldn't put a time on that. Everyone used to smoke.
Q. Right.
Did you ever hear Leslie ever use the term "cancer stick" or "coffin nails" referring to cigarettes?
A. No.

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Q. Did she ever use any term other than "cigarettes" when referring to them, that you can recall?
A. She referred to them as Camels.
Q. Camels. Okay. Any other -- What I'm getting at, though, is any kind of slang term that she might have used.
A. No.
Q. Do you recall her ever commenting to you about the health aspects of smoking cigarettes?
A. No.
Q. Did you ever have any kind of discussion like

that with her that you can recall?
A. No.
Q. Have you ever heard about something called "The Frank Statement" that was put out by the cigarette companies in the 1950s?
A. Huh-uh.
Q. You have to say "no."
A. I don't -- Oh. No. I'm sorry.
Q. That's all right.
A. I don't even know what that means.
Q. Okay. That's fair.
Have you ever talked with Leslie about whether or not any form of advertising played any role in her smoking?
A. No, I've never talked to her about that.
Q. I assume, but I may be wrong, that while Leslie was growing up, you folks had a television set in the house; is that true?
A. When we first moved to Ventura -- I believe it was about 1956 -- that was our first television.
Q. I'm sorry. I just blanked on the date. 1956?
A. I think it was -- I could be wrong a year or two --
Q. Right.
A. -- but it was about there.
Q. Okay. And during her growing-up years, let's

say the '60s or the early '70s, do you recall whether or not Leslie had a favorite television show that she watched on a regular basis?
A. Yes. She watched Sheriff John.
Q. Sheriff John?
A. Yes.
Q. What's Sheriff John?
A. Didn't all the boomers watch Sheriff John?
Q. I never saw Sheriff John.
Is that a local show here or --
A. From Los Angeles. It was a children's program.
We also watched Disneyland on Sunday evening, and we watched as a family while we ate ice cream.
Q. That's what we were told. They got to eat whatever kind of ice cream they wanted and however much they wanted on Sunday nights.
A. I finally got smart and didn't make a big dinner.
Q. Well, they claim that it was because you just refused to cook on Sunday.
A. Sounds good to me.
Q. That's not really true.
A. I still don't cook on Sunday unless I'm hungry.

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Q. All right. They did tell us, though, about the Disneyland event.

A. Yes. It was a family evening.
Q. A family event. All right.
Other than Sheriff John and Disneyland on Sunday nights, do you know of any other television shows that Leslie watched on a regular basis when she was growing up?
A. No, because we did not encourage it.
Q. How about the Mouseketeers? Did she --
A. Oh, yes. Now, we did, but that was -- It had to be before dinner. We ate at the table. It was old-fashioned, I know.
Q. Well, it's a good thing.
Any other TV shows that you can recall?
A. No.
Q. And did she, as far as you know, when she was growing up, subscribe to any magazines on her own?
A. No.
Q. Did she do any kind of -- Strike that.
I realize that she essentially left the house at age 16. But before that, did she do any kind of part-time work that you can recall?
A. At what time period?
Q. Before she left the house at 16?
A. No.
Q. No little odd jobs or --
A. No.

Q. -- kids' --
A. No, no.
Q. Did she listen to the radio, as far as you know?
A. I think she listened to records in her room.
Q. Do you know if she had any special favorite radio show that she --
A. No.
Q. -- listened to --
A. No.
Q. -- on a regular basis?
A. No. We were too active. We didn't sit around.
Q. Let me ask you a couple of questions more about asbestos if I can.
When your husband was working as a plumber's helper and a plumber and a foreman and a pipefitter, did he -- excuse me -- did he bring his work clothes home for you to wash for him?
A. Yes, of course.
Q. I'd like to ask you some questions about that, if I could.
First of all, how often would you do the wash?
Let me even make it more particular.
How often would you wash his work clothes?
A. Every time we did the laundry.

Q. And how often was that?
A. Well, it would have to be at least once a week. You've got 8 people with clean clothes every day.
Q. Right. So at least once a week.
A. Yes.

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Q. And what type of a washing machine did you use to do the laundry?
A. In the early years, I had a brand-new Maytag wringer washer.
Q. And that's the one with the barrel and an agitator, and then it's got a wringer on the top that you feed the clothes through?
A. Yeah, you got it. And you say, "Don't put your finger in there."
Q. That's right. I used to help do that, actually.
Do you know when you got rid of that washing machine and switched over to something different?
A. It was -- Let me see. It was probably about 1970, and I got a regular automatic washer and drier.
Q. Do you remember having the old Maytag up in the Ojai house?
A. Oh, no.
Q. Okay. It was --
A. No. We had that -- That was the first washer

we had on Entrada Drive, and it was new.
Q. New then, and then -- but sometime in 1970, you changed over to the --
A. Yes.
Q. -- the more modern kind?
A. Yes.
Q. Were you still at Entrada at that point?
A. Yes.
Q. Where did you do the laundry in the Entrada house?
A. The washing machine was in the garage. It was one step down from the kitchen.
Q. Yeah.
A. And we had a double sink in the garage where the watcher was. And I sorted the clothes in the kitchen.
Q. Okay. And then took them out to the garage to wash them?
A. One -- One batch at a time.
Q. Yeah. When your husband would bring home dirty work clothes, can you remember what they looked like?
A. Dirty work clothes.
Q. I knew you were going to say that.
Well, but what I'm getting at is --
A. Well, they would be --
Q. Were they covered with grease or --

A. Oh, not usually grease --
Q. Yeah.
A. -- because he wore overalls -- You know, the kind with the -- you buckle in the front.
Q. Yeah.
A. Not coveralls, overalls.
Q. Overalls.
A. Yeah. You know, they're open at the sides and --
Q. So would he wear the overalls at work?
A. On the job.
Q. And then take those off before he got home?
A. Yes. But he would have on the same work clothes that he wore to work. He would have on Levis, and

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in the winter it would be a flannel shirt. In the summer it would be a blue chambray work shirt.
Q. So as we're getting it, he would wear Levis and some kind of a shirt to work, and then when he got to work, he put overalls on.
You never washed the overalls.
A. Oh, yeah. You had to eventually, you know.
Q. Did he then bring the overalls home?
A. Yes, when he thought they were appropriately stiff.
Q. Okay. And what did the overalls look like when

you got to wash them?
A. Excuse me.
Q. No, I --
A. They would be ready.
Q. "Ratty"?
A. "Ready."
Q. "Ready."
A. Ready to wash. Dusty, dirty.
Q. All right.
A. Laying on the floor, crawling in spaces.
Q. Right. Pretty dirty.
A. Yes.
Q. When your husband got home from work, it would have been his custom, though, to have already taken off his overalls --
A. Oh, yes.
Q. -- before he got home.
A. Yes.
Q. He took them off at work.
A. He took those off at work.
Q. Do you have any information for me, Mrs. Whitteker, that you were ever exposed to asbestos through Mr. Whitteker's work clothes?
A. I imagine we all were.
Q. Well, why do you say that?

A. I had no idea it was dangerous at the time or I would have probably been a little more careful.
Q. Understand. But why do you think that your husband's clothes had asbestos on them at all?
A. Because he was in the trade. He was a pipefitter --
Q. Yeah.
A. -- and they use all that around their job.
Q. But he never worked with asbestos himself, did he?
A. You'll have to ask him. I don't know the details, and I wasn't there.
Q. All right.
A. I'm sure you want me to tell you exactly what I know, right?
Q. Oh, absolutely.
A. Okay.
Q. And no more and no less.
A. Okay. I wasn't there.
Q. Okay. So you don't really know what --
A. I know that it involved asbestos because that's what was used in those days.
Q. I understand. But aside from what you just

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told me, do you have any other information as to what your husband did with respect to asbestos on the job?

A. No. How would I know?
Q. Well, okay. Fine.
So you don't really know what the dust was that was on your husband's clothes -- overalls when he brought them home, do you?
A. I never even thought about it until we found out that asbestos was a dangerous thing.
Q. Now, your husband has been tested specifically for asbestos disease in the last year or two; isn't that true?
A. I don't know.
Q. Have you ever had any kind of a test, chest x-ray or anything like that, to check and see if you have any kind of asbestos-related disease?
A. I'm trying to remember. I'm sure I've had a chest x-ray, but I don't know when.
Q. Has any doctor ever told you that you got anything in your lungs that would indicate to the doctor that you had any asbestos exposure?
A. No.
Q. And you don't have any lung condition yourself?
A. No, because I quit smoking. Remember?
Q. All right. I do.
But in answer to my question, you don't have any lung condition that you --

A. No, I do --
Q. -- attribute to asbestos?
A. No, I do not.
Q. Now let me ask you a little bit more about getting these clothes washed.
Would you do that job alone, or would you have any help from any members of the family?
A. Sometimes I had help.
Q. Who would help you?
A. Well, sometimes Becky did. She was older, you know.
Q. Yeah.
A. Sometimes Chris did.
Q. Yeah.
A. But it was an all-day affair with the wringer washer.
Q. Do you recall Leslie ever helping with a wash?
A. I wouldn't -- I wouldn't call it helping.
Q. What would you call it?
A. Well, little kids like to come through the room with all these piles of clothes and, you know, like they do piles of leaves, wallow in them and jump in them and generally scatter them. And, of course, that was irritating because then you had to sort them out again and --
Q. So would Leslie do that from time to time?

A. All of the little kids would.
Q. When the little kids did that, do you ever recall noticing any dust that came up from the piles?
A. Yes. There was always dust and dirt on the floor with all those dirty clothes.

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Q. Any of your other kids, particularly Becky and Chris, have any disease that they think has anything to do with asbestos?
A. No, I don't think so. Remember, they're considerable older than Leslie.
Q. Now, when you moved up to --
A. -- in -- up to Devereaux.
Q. -- Devereaux, what was your laundry situation like up there?
A. I still have my washer and drier in the garage, but I have an automatic washer and drier.
Q. Yeah? And did your custom as far as washing clothes change at all?
A. Of course. You wash more often with an automatic washer and drier.
Q. All right. Did --
A. You still sort your clothes.
Q. Where did you sort the clothes?
A. Probably in the bathroom where the hamper was.
Q. A lot of your kids are out of the house by this

point; isn't that true?
A. Yes. There's -- Leslie and David were there.
Q. Did you ever recall Leslie or David assisting with the laundry at the DELETED address?
A. No way. Excuse me for adding that.
Q. I understand. They were -- Okay.
We're getting there.
Do you want to take another break, or do you want to push on a little bit here?
MS. BERMAN: How much more do you have?
MR. SCARVIE: Oh, I have about --
MS. BERMAN: We can go off for this.
MR. SCARVIE: -- maybe half an hour, if that.
MS. BERMAN: Want to take a quick break?
THE WITNESS: Yeah. Let's take a quick break.
MR. SCARVIE: Okay.
THE WITNESS: Obviously, I will not get to do my 2-mile walk tonight, not in the light. I hate doing it in the dark.
MR. SCARVIE: I'm sorry, but no.
Let's take a 5-minute break.
THE WITNESS: Okay.
THE VIDEO OPERATOR: We're off the record at 3:56 p.m.
(A recess is taken.)

THE VIDEO OPERATOR: This is the beginning of -- No, we're not.
This is the beginning of Tape Number 2, Volume I, of the deposition of Patsy R. Whitteker on November 19th, 1999, and we're back on the record at 4:10 p.m.
MR. SCARVIE:
Q. Okay. I just have a couple other questions about the clothes-washing topic.
You've described that the clothes would be dusty on the kitchen floor when you were sorting them out.
Do you have any personal knowledge as to what that dust was?
A. No.
Q. Now, in her growing-up years, how would you

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characterize the state of Leslie's health?
A. She was healthy.
Q. Okay. Did she have any kind of major diseases or illness during that period of time that you can recall?
A. You mean like mumps?
Q. Well, I don't mean -- I don't mean just childhood diseases, but I mean --
A. No.
Q. -- bronchitis --
A. No. Oh, no.
Q. -- pneumonia, anything like that?

A. No.
Q. Any other serious illnesses other than just normal childhood-type things?
A. No. She was always very healthy.
Q. In the period of time before she left the house, did she have any kind of special diet regimes that she was on, like, for instance, vegetarianism or veganism or anything like that?
A. No.
Q. Do you know if now she tries to stay on a somewhat strict vegetarian diet?
A. No. She tries to stay on a reasonable balanced diet that we all should be on.
Q. Did you folks have any special diet restrictions or -- I'm having a hard time finding the word to give you -- but any kind of a special diet that you adhered to as you were growing up?
And by that I don't mean to lose weight necessarily, but I just mean any kind of special diets that you participated in or were fond of?
A. No. I just did what we all did. You had to feed your family good. You had meat and potatoes and vegetables and salad and so forth.
Q. Did she take any kind of prescribed medication over the period of time when she was still in your house?

A. No.
Q. Do you know anything at all, Mrs. Whitteker -- and forgive me -- but about Leslie's marijuana use?
A. No, I do not know.
Q. Nothing at all?
A. No, I do not know.
Q. Has she ever told you that she was a regular and fairly extensive user of marijuana?
A. No. I -- I don't think she would have told me, but I'm sure she wasn't. I think I would have known.
Q. All right.
A. It has a distinct smell, you know.
Q. Sure. Do you ever recall her having the smell of marijuana on her while she was still in your house?
A. No, I do not.
Q. Did you ever hear from any source, teachers, friends, otherwise, that they were experimenting with marijuana while she was growing up?
A. No.
Q. And what about any other kind of drug? And I'm thinking now in terms of cocaine or intravenous drugs. Did you ever hear --
A. Oh, no. You said "intravenous"? That means

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with a needle?
Q. Right.

A. No. She hates needles.
Q. All right. Were you aware that for a period of time she considered herself to be an alcoholic?
A. No, I don't think she ever considered herself to be an alcoholic.
Q. What do you know about her drinking history, if anything?
A. I only know what my opinion is.
Q. What's your opinion?
A. My opinion is that I think most people drink too much.
Q. And is that the case with Leslie as well?
A. I'm sure there were times when she did.
Q. Do you know of your own knowledge, Mrs. Whitteker, how much Leslie drank at any one time?
A. No, I do not know that.
Q. Do you know when she started to drink?
A. No.
Q. Has she ever discussed the fact that she believed that she had a drinking problem at one time in her life?
A. No, I don't believe she ever had a drinking problem.
Q. Did she ever discuss with you the occasion when she and Leonard quit drinking?

A. Yes.
Q. Tell me what you know about that.
A. She quit drinking because she wanted to have a family.
Q. And did he quit drinking at the same time, as far as you know?
A. Yes, he did.
Q. But she never expressed -- Did she ever express to you that she felt that she had been drinking to excess?
A. No. Many times we all overindulge in something.
Q. I'm getting there. Just give me a minute here.
MR. SCARVIE: I'm done for the moment, but I'm sure this gentleman may have a few questions (indicating).
MR. BOONE: I just have a few questions.
Can we go off the record?
THE VIDEO OPERATOR: We're off the record at 4:17 p.m.
(A recess is taken.)
THE VIDEO OPERATOR: We're back on the record at 4:18 p.m.
(Continued on the following page.)

-EXAMINATION-

BY MR. BOONE:
Q. Mrs. Whitteker, we met earlier. I'm Mordecai Boone, and I represent Philip Morris Incorporated, and I

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just have a few questions for you to cover some of the areas that Mr. Scarvie just might have missed.

I believe you were talking with Mr. Scarvie that you had spoken with a Mr. Brown from Ms. Berman's firm a couple of weeks ago; is that correct?

A. Yes.

Q. Now, I thought I heard you say you also spoke to, quote, "an asbestos man," end quote. Did you --

A. Yes. I don't know what his purpose was.

Q. Is that someone different than Mr. Brown or --

A. Yes, yes. It was someone different.

My husband was the one that talked to him, not me.

Q. Do you know -- Were you present when that conversation between your husband and the asbestos man was taking place?

A. We were in the same room, but I was talking to Mr. Brown.

Q. And was this at Carrows Restaurant?

A. Yes.

Q. And the conversation occurred at the same time

it occurred with Mr. Brown?

A. Yes.

Q. And do you know -- I take it -- you said "asbestos man" -- it was a man that you were speaking about.

A. Well, they talked about asbestos, as far as I know.

Q. I see. And was the gentleman with Mr. Brown -- do you know if he was from Mr. Brown's law firm?

A. I don't know that.

Q. Did you --

A. I don't remember --

Q. Oh, I'm sorry.

A. -- him saying. Excuse me.

Q. Pardon me. I didn't mean to interrupt.

A. Well, I just realized, I don't remember him saying that. I wasn't listening to him; I was talking to Mr. Brown.

Q. Yes, ma'am.

And you never spoke to the asbestos man?

A. I may have said, "Hello."

Q. All right.

A. Does that count?

Q. No, not really. Thank you.

You had mentioned that you had learned asbestos could present a health hazard. When did you learn that?

A. I particularly learned that when my husband was working on a Habitat project in Simi Valley and --

Q. When you say "Habitat," is that Habitat for Humanity?

A. Yes. And they had to call in a special crew to demolish a house that had been damaged in the earthquake.

Q. Which earthquake was that?

A. Was that the -- What do they call it? Riverside? What did they call that earthquake, that last big one down in L.A.?

Northridge.

Q. Northridge.

A. Excuse me. Just one moment and it got there.

Q. I couldn't think of it either, but that's why I

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was trying to see if you could remember the name.
A. Yes. These people's house were -- it was severely damaged, and Habitat chose him to supervise the rebuilding of a new home. But to demolish the house, they had to call in a special crew.
Q. Other than -- I assume you heard that from your husband, that story.
A. Yes.
Q. Is that correct?
A. Yes, yes.
Q. Other than that conversation with your husband,

did you hear from any other source that asbestos could present a health hazard?
A. I couldn't tell you exactly, but over the last probably 5 or 6 years, it has been -- from time to time, it has been in the news. Particularly I remember when the -- when the community has -- when the community has a collection of -- What do they call that, environmentally unsafe things? They always have a list.
Q. And where is the list?
A. I don't know. But I'm talking about when they have a community program on a certain day where you bring things that you aren't supposed to throw in the trash, you know.
Q. So this was information that you learned from --
A. It was probably -- It was probably --
Q. -- from the newspaper?
A. -- in the newspaper. I don't recall where because I didn't take part in it, naturally. I had nothing.
Q. Did you also learn this information from the television, maybe television news programs?
A. It's possible. It's possible.
Q. You watch the news; is that correct, ma'am?
A. I try to watch public television news, you know, the MacNeil/Lehrer report, because they don't have all

the rapes and the stabbings and all that.
Q. Now, while your husband, Mr. Whitteker, was working -- because as I understand it, he's currently retired; is that correct?
A. Yes.
Q. -- was there a time when he would wear a suit and a tie to work?
A. Yes, when he was the business manager.
Q. And was that the business manager of --
A. Oh, business agent. Excuse me. I used the wrong word.
Q. And was that the business agent of the plumbers' union?
A. Local 484, plumbers and pipefitters, and I think they call it steamfitters.
Q. So he was in, for lack of a better word, kind of a white-collar job --
A. At that partic- --
Q. -- with the plumbers' union?
A. Yes, at that time he was. But he had to go out on the job and up wherever men were working.
Q. Do you recall when he became the agent for the plumbers' union?

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A. It was sometime before David was born. David was born in 1963.

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Q. And do you recall how long he had the job as the agent for the plumbers' union?

A. Seems like it was 3 or 4 years. I couldn't say exactly. That was not my worry.

Q. No. But your worry was getting the family laundry done. I mean, that was one of the jobs that you would --

A. You bet.

Q. -- would do? Okay.

And so after he left the job as the plumber's agent, do you know what he did after that, what his job description would have been?

A. Oh, he was a journeyman pipefitter.

Q. He went back to --

A. Yes --

Q. -- what he did?

A. -- of course.

Q. Did he do the same work, or was he now at a supervisory level?

A. No. But when he worked on the Ormond Beach steam plant, he was the general superintendent of the pipefitting. I think he told you all that.

Q. Yes. I'm just trying to remember what you recall in terms of his job description changing.

A. It's funny how people from different things see

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things differently, but I think that was correct.

Q. Do you remember, did he wear the same work clothes after he ceased being the plumbers' agent that he had worn before he had become the plumbers' agent --

A. Well --

Q. -- or did he wear --

A. -- different clothes.

Q. Same type of clothing, ma'am --

A. Yes.

Q. -- is what I meant to say.

A. Yes. He wore his work clothes, and he had the coveralls and the whole bit.

Q. Now --

A. Not coveralls. Excuse me. I said the wrong word. Overalls. There is a difference. Overalls have the buckles, you know, and the sides are kind of open.

Q. I'm from Kansas, so I know exactly what --

A. Oh, you know what I'm talking about.

Q. I know what coveralls are.

So he would then -- after he ceased being the plumbers' agent, he would then go back to wearing the overalls, I believe you said?

A. Back to work.

Q. Back to work.

And as I understand it, those would not come home on

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a regular basis with his other work clothes that he would wear every day; is that correct?

A. No, no. They would not come home every day.

Q. And do you have a recollection of how often Mr. Whitteker would bring his overalls home for you to

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launder?
A. No. I -- I was a little busy.
Q. Yes.
A. No, I don't recall how often. When he brought them home, I did them.
Q. Do you recall if -- Strike that.
Do you recall if the overalls were washed in a separate load from, let's say, your children's jeans, or would they --
A. Oh.
Q. -- or how would you do them? Would you segregate --
A. Yes --
Q. -- them, or how would you do the overalls?
A. -- because the work clothes would be much dirtier, so they would be washed separately, of course.
Q. Now, how old was Ms. Whiteley when you recall her, I believe, to use a -- lack of a better word, helping you with the laundry as a youngster when she really wasn't helping you; she was probably --

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A. Yeah. She was about 3.
Q. About 3.
A. You know, that's -- that's the age when they help, but --
Q. They can't really help.
A. No.
Q. My mom had 7 kids, so --
A. Oh, good. Then -- I mean, she just had fun jumping around in the clothes and so forth.
Q. Now, do you have any other recollection of her doing that other than when she was 3?
A. Well, they used to run out to their dad when he came home.
Q. Would he be wearing the overalls home, or would he have them --
A. No, but he would --
Q. -- carried in a bag?
A. He would be -- No, he would be wearing his work clothes, but the work clothes -- The work clothes, you understand, with overalls are partly exposed. But, of course, I never thought about all this stuff because I did not know this was a dangerous situation.
Q. And what I'm trying to get is what you recall Mr. Whitteker would do with his overalls.
As I understand, he wasn't wearing his overalls home

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from the job sites?
A. No, he did not.
Q. And am I to understand he would carry them perhaps in a bag or some --
A. No.
Q. -- kind of parcel?
A. No, no. He would just, you know, carry them in his hand.
Q. And other than that time when you recall Ms. Whiteley -- and I mean Leslie Whiteley, and I'll call her Ms. Whiteley -- playing in the work clothes at the age of 3, do you have any other recollection of her playing in the work clothes other than that one time at the age of 3?
A. Not after she got to be older. That was not

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her thing. No. But when she was small, that's when this happened.

Q. And do you recall when she wasn't small, how old would you -- Strike that. That's a terrible question.

How old would she be when you wouldn't consider her to be small, I guess is what I'm asking?

A. Well, I would say that when she was like 8 -- when she was like 8 or 9, she would, like the rest of the -- like try to beat her brother David to his lunch pail.

Q. So then she would quit play- -- You don't have any recollections of her after the age of 8 or 9 or -- Well,

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strike that.

When you say -- I guess that doesn't answer -- You wouldn't consider her small at the age of 8 or 9; is that correct?

A. No. What I'm getting at is, before she was 5, she was home with me.

When she was 5, she started to school, so she would be less inclined to be --

Q. I see.

A. -- under my -- in my way.

Q. I see what you're saying.

A. Yes.

Q. Okay. And --

A. I just thought you meant 3 when, you know, I really noticed she was old enough to play these -- You know, when children are like 2, they're not -- Well, they might be when they're 2, but --

Q. But you -- Now, the recollection you have of her playing in the work clothes, do you specifically recall her playing in the overalls?

A. No, I don't. I don't recall that.

Q. And is that something you would have let your child or any one of your children play in the work clothes --

A. Well, they were -- they were dirty and smelly,

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but I didn't think they would be dangerous, so I wouldn't stop that.

Q. You wouldn't have stopped that from happening or asked her not to do it?

A. I wouldn't have stopped her for -- or -- Well, I would ask her not to scatter them around, but I wouldn't stop her, because while she was entertained, I was working. You can't have it both ways.

Q. No, I don't suppose so.

And again, your husband became the plumber's agent in 19- --

A. Business agent.

Q. -- business agent in 1963?

MS. BERMAN: No. Objection.

THE WITNESS: The --

MS. BERMAN: Misstates the testimony.

THE WITNESS: Oh, excuse me.

MR. BOONE: I don't mean to misstate the testimony.

Q. Go ahead.

A. I said it was somewhere around before David was born.

Q. Oh. Okay.

And I believe you said David was born in 1963.

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A. Yes. That's the '63 part that you heard.
Q. I see. So it was before David was born --

A. Uh-huh.
Q. -- that Mr. Whitteker would wear a suit and a tie to work?
A. Yes. And after he was born, because it was just in that time period, you know. You remember when somebody was born.
Q. I see.
A. I think it was 3 or 4 years that he was the business agent.
Q. And his work clothes would be the same? They'd be a suit and a tie during that time period?
A. Yes, yes, and a white shirt.
Q. I see. Okay.
And, again, Ms. Whiteley would start school at the age of 5; is that correct?
A. Yes.
Q. Did she go to preschool or nursery school before that?
A. No, no.
Q. Did they have that?
A. There was not preschool and nursery school. You went to kindergarten.
Q. Well, my mother tried to get me out of the house as soon as she could, so I probably went -- I think I went to nursery school.

But you're saying Ms. Whiteley didn't --
A. No.
Q. -- attend?
A. No, no.
Q. Now, other than the playing in the laundry that we talked about, do you have any recollection of Ms. Whiteley actually doing the laundry?
A. No.
Q. All right. Just give me a moment.
Now, I believe you testified, ma'am, that your first recollection of seeing Ms. Whiteley smoke was at the age of 16.
A. Yes.
Q. You didn't know she smoked up until that point?
A. No, I did not know that.
Q. And that was after she had graduated from high school?
A. Yes.
Q. And I believe you had told your children that smoking was a smelly habit; is that correct?
A. Yes. It was dirty and expensive.
Q. And smoke -- cigar- --
A. And it would make your hair stink, you know. And they're all interested in how they look.
Q. And cigarette -- I guess cigarette smoke is

something that would make your hair stink, I guess is what you're saying.
A. You bet.
Q. Did you ever notice cigarette smoke -- the smell of cigarette smoke on your daughter's hair before the

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age of 16?
A. No. And I did not go around sniffing their heads.
Q. All right. I just wanted to understand that.
Now, I'd like to ask you -- I want to focus you around the time your son David was born. And I understand you had 6 children.
Do you recall if during that time period that watching the news was a part of your average day?
A. No.
Q. You don't recall, or, "no," it wasn't part of your average day?
A. It wasn't part of my average day. The one thing I do remember watching at that time was the assassination of the President.
Q. And that was Mr. Kennedy --
A. Mr. Kennedy.
Q. -- I think you're referring to.
And that was -- I think it was in 1963, November.
A. Yes.

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Q. Is that correct?
A. Yes. David was not very old. He was a nursing baby, and that's what I was doing, sitting down there and nursing him. And the TV was on, one of the few moments I got to watch it.
Q. Do you remember in February of that same year in 1964 when the Beatles came over to America?
A. Yes.
Q. The Ed Sullivan show? Do you remember that?
A. I loved it. My husband hated it.
Q. He hated the Beatles or he hated the Ed Sullivan show?
A. He hated the Beatles.
Q. But you recall that, all that hoopla that was surrounding the Beatles --
A. Of course.
Q. -- coming over in 1964?
A. Of course.
Q. And I was born in 1968, so this is all stuff that I just picked up, I think, a little bit later.
Do you recall that same year, 1964, the Surgeon General's report --
A. No.
Q. -- talking about smoking causing lung cancer?
A. No, I do not recall that.

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Q. You don't recall that?
A. No.
Q. Well, now, you mentioned some of your family members. Well, first of all, let me ask you about your smoking history because I was a little bit confused as to exactly when you began and quit smocking.
To your best recollection, when did you begin smoking?
A. Well, I thought I started earlier than I did, and then I started thinking about it. I did not smoke before Michael was born. And I was 21 five days after he was born, so it had to be after that, but I don't know just when.
Q. And, ma'am, I think you answered this when

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Mr. Scarvie was asking you questions, but I didn't write it down. What is the date of your birth?
A. August the 15th, 1926.
Q. So that would have been after 1947 when you began smoking?
A. Sometime after.
Q. Sometime.
A. Yes.
Q. Could have been in the '50s?
A. It could have been.
Q. Do you recall what brand of cigarettes you

smoked?
A. Marlboros, I think. Pal Malls or Marlboros, the long ones.
Q. Did they have a filter on them, the cigarette?
A. I don't remember, it's so long ago.
Q. Do you ever remember when they came out with filtered cigarettes?
A. I do remember when they came out with filtered cigarettes, but I don't remember if I used them or not.
Q. Do you recall why they came out with filtered cigarettes in the '50s?
A. I think it was supposed to be better for you.
Q. Better in terms of your health?
A. Yes, because if you swam, you certainly couldn't swim far if you smoked. Really. My mother swam, and she -- that's what she said.
Q. Do you recall if your husband, Mr. Whitteker, smoked?
A. Yes, of course. He started smoking in the navy.
Q. And was that while he was -- during World War II?
A. While they were shooting at him, yes. That was a good time to start.
Q. In the South Pacific theater?

A. He was first in the Atlantic on convoy.
Q. Did he take part in the invasion of D-Day?
A. No.
Q. Oh, he didn't.
A. No. He was in the navy.
Q. Yeah, but they were still shelling the beach at Omaha.
A. In the Atlantic, he was on a navy gun crew on a gasoline tanker. Fortunately, he was young enough not to be terribly worried.
Q. Do you recall when he quit smoking?
A. Yes.
Q. When was that, ma'am?
A. It was when -- I said I thought I quit when I was pregnant with -- with Ken, but it could have been with David, and I'm not sure.
Q. And David, again, was born in 1963?
A. Yes.
Q. Now, I asked you --
A. And Ken was born in '57.
Q. Now, I might have misspoken. What I meant to ask you was, do you recall when your husband, Mr. Whitteker, quit smoking?

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A. Yes. He quit smoking when I was pregnant, whenever it was that I quit smoking --

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Q. Oh, okay.
A. -- because the smell of the smoke made me sick. And he said, "If I have to find a place where you can't smell the smoke, why don't I just quit." And he did.
Q. And did he quit cold turkey?
A. Yes.
Q. Do you recall the brands of cigarettes, ma'am, that he smoked?
A. It was in a red pack. I think it was -- Was it -- Could it have been Marlboros or -- Yeah, I think it was Marlboros.
Q. Do you know if Mr. Whitteker smoked a filtered or unfiltered cigarette?
A. I don't remember.
Q. Do you know if Mr. Whitteker ever smoked again after that time?
A. No, he didn't. Nor did I.
Q. Now, you had mentioned your father. And your father, Mr. Roberson, is now deceased; is that correct?
A. Yes.
Q. And, ma'am, when did your father die?
A. In 1968.
Q. 1968. I believe you said he lived in Foster Park.
A. He owned the --

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Q. Is that correct?
A. He owned the market during the war, is what I said.
Q. Okay. Did he reside in Foster Park?
A. Yes. They lived there behind the store when I was growing up.
Q. Did you grow up in Ventura?
A. Well, no. I grew up --
Q. Where were you born?
A. -- all over Ventura.
I was born in Casitas Springs, the little place you drive through when you're going to Ojai.
Q. Yeah, I've been through it.
So you are a native Californian?
A. Yes.
Q. You've grown up here?
A. Native Southern Californian.
Q. Let me ask you this: When you were living on Entrada Drive --
A. Yes.
Q. -- was your father also living in Ventura?
A. He lived in the oil fields.
Q. Is that near Ventura?
A. That's on Ventura Avenue -- You can see it from the freeway.

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Q. It's close to where you -- I mean, how many miles was it from your house on Entrada?
A. Probably 4 or 5. Probably 4.
Q. And would your father, like my grandmother, spend a lot of time over at your family's home on Entrada?

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A. Oh, no. No. He had a service station.
Q. Did he know your children really well, and he'd visit them and --
A. Oh, yeah. We were a close family.
Q. And your father, was he a smoker?
A. Yes, from when he was about 14. He was born and raised in Texas.
Q. Do you know what brands of cigarettes he smoked?
A. No, I don't. I'm sorry. Isn't that funny? I don't remember that.
Q. Did you ever know whether he smoked an unfiltered or a filtered cigarette, or did he ever switch to a filtered cigarette?
A. I have no idea because I can't remember what brand he smoked.
Q. Do you know what your father died of?
A. Yes. He died of a heart attack.
Q. Did he die of -- Did he have emphysema?
A. Before that, he had emphysema, but it wasn't

horrible. I mean, he didn't carry the backpack, you know.
Q. Would he ever attribute that to any specific cause, his emphysema?
A. His doctor told him to quit smoking.
Q. And that was before he died in 1969?
A. Yes.
Q. Did he tell you that, that his --
A. Yes.
Q. -- that his doctor told him to quit smoking?
A. Yes.
Q. Did he or did you believe at any time that maybe his heart condition was also related to smoking?
A. Well, that's what the doctor said.
Q. So that his -- I'm sorry. Your father's -- Mr. Roberson's doctor --
A. My father --
Q. -- told him that --
A. Yes.
Q. -- his heart condition was also related to smoking?
A. Yes, that's what he told him.
Q. And that was in 1969 -- before 1969 --
Oh, I'm sorry.
A. Excuse me. I'm sorry.
Q. That's okay. Can we continue?

A. Yeah.
Q. Okay. And that was before Mr. Roberson's death in 1969; is that correct, ma'am?
A. He died in 1968.
Q. '68. And that was before his death in 1968?
A. Yes, when he was going to the doctor.
Q. Do you recall how soon before he died in 1968 that his doctor told him that -- that -- I'm sorry. Let me finish the question.
I'm just kind of -- went kind of -- had a little dream there. Sorry. Need more coffee.
Do you know how soon before Mr. Roberson's death in 1968 that his doctor told him that his emphysema and his heart condition were related to his cigarette smoking?

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A. No, I couldn't tell you the time. I don't know. I had my own family to take care of.
Q. But you were aware of it, prior to 1968, that his doctor had told him these things?
A. Probably during 1968 sometime.
Q. And I take it -- Were you close with your father?
A. Yes, we were very close.
Q. Did you ever relate to your children what Mr. Roberson believed had caused his conditions, his heart condition and his emphysema?

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A. No. No, we didn't. Everyone knew he smoked.
Q. And your children all knew this?
A. They knew he smoked.
Q. Did they ever try to get him to quit smoking?
A. No.
Q. Did you ever try to get your father to quit smoking?
A. Are you kidding?
Q. I didn't know your father, but did you ever try to get your father to quit smoking?
A. No. I would not tell my father what to do.
Q. Well, let me ask you -- I think you mentioned a Roy Whitteker, who I believe would be Ms. Whiteley's uncle; is that correct?
A. Yes, my husband's oldest brother.
Q. Yes, ma'am.
Do you recall when Mr. Roy Whitteker died?
A. No. I didn't really know him that well. They lived in Kansas.
Q. Where did they live in Kansas? Was it McPherson, Kansas?
A. Well, that's where his brother Doyle lived, in McPherson, Kansas. I'm not sure where Roy lived, but I know that my husband went back to see his brother at the end.
Q. Is your husband from Kansas? Is Mr. Whitteker

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from Kansas?
A. No, thank God.
Q. Where is he from?
A. Sorry.
Q. On behalf of all Kansans --
A. I'm sorry.
Q. -- I have to move to strike that last comment.
A. I'm sorry.
Q. But other than that, where is your husband from, if you recall?
A. He was born in Barnsdall, Oklahoma, and he grew up in Missouri.
Q. I can see why he would say he never wanted to be in Kansas if he's from Oklahoma and Missouri. But --
A. No. I -- I'm afraid I put those words into there.
Q. Well, do you recall how old you were when Mr. Roy Whitteker died?
A. No. We were married and living in Ventura, but I have no idea what year it was.
Q. So you were living on Entrada Drive --
A. Yes.
Q. -- when Mr. Whitteker died.

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And did you receive news that Mr. Whitteker had died?
A. Of course. His brother Doyle phoned him.

Q. Did your husband ever attribute his condition, his lung cancer condition, to smoking cigarettes?
A. Yes.
Q. And did he relay that information to you?
A. Yes.
Q. And that was when you were living on Entrada Drive in Ventura, ma'am?
A. Yes.
Q. And you moved to Ojai, I believe, in 197- --
A. '4.
Q. -- '4. Okay.
A. In June 1974.
Q. In June of 1974.
A. But we --
Q. Did -- I'm sorry.
A. We bought the house in March, but we didn't move until June because of school.
Q. I see. So this all occurred before you moved to --
A. Oh, yes.
Q. -- Ojai.
A. Long time.
Q. Did you attribute Mr. Whitteker's death to smoking cigarettes?
A. I didn't know anything about it. I just know

what they said.
Q. But your husband said that it was --
A. Well, he said --
Q. -- that he attributed to the smoking cigarettes?
A. He said that his brother told him that.
Q. His brother --
A. His brother Doyle.
Q. His brother Doyle. Okay.
Do you know if Mr. Roy Whitteker ever visited your family while Ms. Whiteley was growing up?
A. No, he never did.
Q. Did your husband ever talk to your children about Mr. Whitteker and -- Mr. Roy Whitteker and why he had died?
A. No.
Q. Now, you mentioned that you had heard a movie featuring a black human lung, I think, when you were talking with Mr. Scarvie? And he was asking that question --
A. That didn't sound right.
Q. Well, I don't want to misstate the testimony. I believe --
A. Yeah. I don't remember what it was.
Q. Okay. Mr. --
A. It wasn't that, I don't think.

Q. Let me see if I can refresh what I believe you were talking about with Mr. Scarvie.
You had told him that you had gone back to school --
A. Yes.
Q. -- at Ventura College and received --

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A. Yes.
Q. -- your Associate of Arts degree.
A. Yes.
Q. And Mr. Scarvie had asked you if you had ever seen any movies in your health class regarding --
A. I said, "No."
Q. "No." And then you said --
A. You're correct.
Q. Yes. And then he asked you, had you ever seen a movie about -- a movie that included a black human lung, and you had said you had heard of that.
A. I have heard of it --
Q. Oh, I see.
A. -- but I have not -- I have not seen anything like that.
Q. Yes, ma'am.
Had you heard of that movie before you had gone to Ventura College?
A. I can't say.
Q. Because your husband, I believe in his

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deposition, had talked about a movie he had seen in the navy about a black human lung.
A. Oh, in the navy that might be possible. But I would have no knowledge of that, what he saw in the navy.
Q. No, I know that. And I'm just saying -- But --
A. Yeah.
Q. But you said you had heard that from somebody, so I thought you heard it from your husband. Is that --
A. No.
Q. -- possible?
A. Well, it's possible.
Q. And it's possible you --
A. But not likely. We did not talk about those things.
Q. Okay. And it's possible -- Well, strike that.
Do you have a recollection of whether or not you heard about that movie prior to your attendance at Ventura College?
A. No. I -- I'm not even sure that I heard about a movie. I have heard that the lungs get black when you smoke, but, you know.
Q. Do you know when you heard that?
A. No idea.
Q. Was it when you were living on Entrada Drive?
MS. BERMAN: Objection.

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THE WITNESS: I have no idea.
MS. BERMAN: It just calls for her guessing.
MR. BOONE:
Q. I'm just trying to place it in time.
A. Oh.
Q. Do you recall who --
A. It -- I couldn't --
Q. I'm sorry.
A. -- even guess. I couldn't even guess. I'm sorry.
Q. Do you think you heard that before Mr. Kennedy was shot in 1963?
A. I have no idea.
Q. You have no idea?

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But that's something you have heard?
A. Yes, but I don't think it was that early in the game that I heard of that.
Q. I wanted to ask you also about -- You had mentioned a couple times that you had a lot going on during the time Mr. Imhoff and plaintiff -- excuse me -- and Ms. Whiteley were married and that your family was a very active family.
I'm just curious, what kind of activities would you be doing either as a family or individually that you were referring to when you talked about how active you were in

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your family?
A. Well, each person, of course, had their own thing that they were doing. And one time Becky was living there for a short while. Ken came to live there after he graduated from Ventura High School, and then he got a place of his own, and then he came back. All of that in-ing and out-ing is a lot of activity.
Q. I see. Okay.
A. And then Leslie and David were still going to school.
Q. Okay. I see. So it was normal --
A. And my husband was working.
Q. Yes.
Did you and Ms. Whiteley have any activities that you would engage in together?
A. No.
Q. Kind of like mother-daughter type of activities?
A. No, I don't think so. Just I was the mother, and she went to school. It was my job to see that she got there.
Q. Were you active in the PTA when they were in school?
A. No, I don't recall they had a PTA in -- in Ojai at Nordhoff, but I was active in the school in -- in the

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elementary school in Ventura. I was -- Because people appeared to think that I had nothing to do, I was always a room mother. When you have 6 children, you have 6 responsibilities, so I was always a room mother, and we were involved in Little League, I think Girl -- not Girl Scouts -- Blue -- not Bluebirds.
MS. BERMAN: Brownies?
THE WITNESS: No, the Campfire Girls. Excuse me. I got it finally.
MR. SCARVIE:
Q. Was Ms. Whiteley involved in Campfire Girls?
A. Yes. Everybody did that. And everybody had --
Q. I was never a Campfire Girl.
A. Everybody had dancing lessons, and everybody had piano lessons. We were busy.
Q. I see.
And when was Ms. Whiteley a Campfire Girl, if you recall?
A. Oh, I don't know. Whatever the appropriate age was.
Q. Did she do that all the way through high school or --
A. Oh, no. Oh, no.

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Q. Do you know how many years she was a Campfire Girl?

A. Probably just elementary school.
Q. Elementary school. Okay.
Now, I also wanted to ask you about your sister Jean. Is her name Roberson as well, Ms. --
A. Her name is now Davis.
Q. Davis. I want to ask you about your sister Jean Davis. You'd indicated that she had gone to or attended an American Cancer Society class, I believe you said, about 10 or 15 years ago; is that correct?
A. That was a guesstimate.
Q. Were you living in Entrada --
A. No.
Q. -- in Ventura when she --
A. No.
Q. -- attended that class?
A. We were living in Ojai.
Q. And are you close to your sister Ms. Davis?
A. Yes. We're very close.
Q. And did she go to a smoking-cessation class?
A. Yes, her and her husband both.
Q. I see, because I was going to ask you that. You said "they" went to an ACS class.
A. Yes. I meant to say both of them went.
Q. Is Ms. Davis or her husband, who I presume is Mr. Davis -- are they close? Do either of them have a close

relationship with Ms. Whiteley?
A. Well, it's aunt and uncle.
Q. Do they see --
A. Yes, we are a close family.
Well, we now mostly see them at the grocery store or wherever, maybe some family occasion.
Q. Ms. Davis or her husband, did they quit cold turkey?
A. They never quit.
Q. They never quit?
A. They tried to quit.
Q. They're still smoking?
A. Yeah.
Q. I see. But you were aware they were trying to quit 10 or 15 years ago; is that correct?
A. Yes. I think, you know --
Q. What did they say about -- I imagine they said it was difficult to quit.
A. Yes, they said it was very difficult.
Q. Had you heard that before at any time in your life --
A. Yes.
Q. -- that it was difficult to quit?
A. I've heard other people say it was very difficult to quit.

Q. When do you think you first heard someone say it was difficult to quit smoking?
A. I couldn't tell you.
Q. A long time ago? Is that fair?
A. I really don't know. I couldn't put a time on

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that.
Q. I see. Was it before you were smoking?
A. No, I don't think so.
Q. Do --
A. It would have to have been after I quit smoking, a long time.
Q. Was it difficult for you to quit smoking?
A. Yeah. I used to have dreams about lighting up. I could smell it and taste it, and I would go (indicating), "No, no, don't do that."
Q. And I think your -- I think it's your daughter Christine told us about your dreams --
A. Yeah.
Q. -- I believe.
Is that something you told your children?
A. I may have told her. I may have told her like a long time since, you know.
Q. Do you remember ever telling your children that smoking could be a difficult habit to quit?
A. No. No, I was not aware of how addictive it

was until a few years ago when I started hearing and being more aware of what cigarettes were all about.
Q. And was that -- So you wouldn't have told your children growing up that they shouldn't smoke because it could be a difficult habit to quit?
A. No. I told them that it was dirty and smelly, expensive and time-wasting.
Q. I understand.
A. I thought that was enough.
Q. Do you recall -- I'm just about finished.
We talked with Ms. Spilotro, who, I believe, is your daughter Christine --
A. Yes.
Q. -- in Oregon this week. And she had indicated that, I believe, in 1982, her husband had had a heart attack.
Do you recall that?
A. Yeah, I remember her telling me about it.
Q. At the time that it occurred?
A. I think it was a heart attack that wasn't typical. He woke up in the night, and she woke up and started questioning him, and she dragged him to the doctor.
Q. Does 1982 sound about right to you?
A. I thought that -- that might sound a little early, but then I don't know.

Q. You don't know? Okay.
Do you recall Ms. Spilotro, whether or not she attributed that condition to cigarettes?
A. Yeah. She always did.
Q. And what do you mean by "she always did"?
A. Well, she was -- She was -- She was more aware of health things. I told you she went back to school.
Q. Yes, she told us she went back to school to become an R.N.
A. Yes.
Q. And she is an R.N.
A. She is an R.N.
Q. That's right.
A. She is now taking training to be a surgical

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nurse in the operating room.
Q. Was this interest in health something she had growing up in Ventura?
A. No.
Q. Do you know -- Did she communicate to you that she believed her husband's condition was related to smoking?
A. Yes, she did.
Q. And that would have been -- Well, you don't know the date?
A. No, I don't know when that was.
Q. But do you believe it was simultaneous to when

the condition occurred in Mr. Spilotro?
A. She has never approved of his smoking.
Q. Ever?
A. Ever.
Q. Has he always smoked when --
A. He smoked when he went to Vietnam. He was just a kid, I guess.
Q. Did Ms. Spilotro -- was she dating him at that time --
A. No.
Q. -- that he was in Vietnam?
A. No, no. He is her second husband.
Q. Do you know when they began dating, the date?
A. No, I don't remember.
Q. But from the very beginning of their relationship, she always disapproved of him smoking; is that --
A. She never said anything.
Q. To him?
A. Not unless he asked.
Q. But she said something to you about his smoking?
A. I knew what her viewpoint was about smoking. She did not smoke.
Q. Okay. But her viewpoint --

A. And she thought it was just like mine.
Q. But she also believed it could be harmful to your health?
A. I don't know that.
Q. She never communicated that to you?
A. No.
Q. But she believed Mr. Spilotro's health conditions were caused by smoking?
A. She knew it surely didn't help it.
Q. Okay. That's fair.
Mrs. Whitteker, I believe that's all the questions I have. Thank you very much --
A. Good.
Q. -- for your time --
A. Good.
Q. -- here today. I appreciate it.
MS. SAFECHUCK: No questions. Thank you.
THE WITNESS: Thank you.
THE VIDEO OPERATOR: This is the end of Tape Number 2, Volume I, of the deposition of Patsy R. Whitteker, November 19th, 1999, and we're off the record at 5:00 p.m.
(The proceedings concluded at 5:00 p.m.)

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***

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at _____, California,

on _____.

_____

PATSY R. WHITTEKER

STATE OF CALIFORNIA) ss

I, KAREN E. KAY, CSR 3862, RMR, CRR, do hereby declare:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn pursuant to Section 2093 of the Code of Civil Procedure in effect as of January 1, 1989;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction.

I further declare that I have no interest in the event of the action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand this 22nd day of November 1999.

_____

KAREN E. KAY, CSR 3862, RMR
Certified Realtime Reporter

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